SAN FRANCISCO PUBLIC LIBRARY
3 1223 09952 1024

5/S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street 5th Floor
San Francisco, CA 94102

REFERENCE BOOK
Not to be taken from the Library

Digitized by the Internet Archive
in 2016

https://archive.org/details/meetingminutesdr2011sanf

3 1223 09952 1024

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JAN 11 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, January 4, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:30 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of November 23, 2010, December 7, 2010, and December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101148 [Visitacion Valley Infrastructure Fee Revenue Appropriation - Public Library and Department of Public Works for FY2010-2011- $2,385,068]

Sponsor: Maxwell

Ordinance appropriating $2,385,068 of Visitacion Valley Infrastructure Fee revenue from the Visitacion Valley Infrastructure Fund, including $2,169,200 in the Public Library for the Visitacion Valley Branch Library Project and $215,868 in the Department of Public Works, for the planning and design of utility undergrounding on Leland Avenue for FY2010-2011, and placing $1,156,304 on Controller's reserve in the Public Library pending receipt of Visitacion Valley Infrastructure Fee revenue.

(Fiscal Impact.)

FINALLY PASSED

101444 [Accept and Expend Grant - Chinatown Broadway Streetscape Improvement Design Plan - $250,000]

Sponsor: Chiu

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning for the FY 2010-2011 Environmental Justice Grant for the Chinatown Broadway Streetscape Improvement Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.06 FTE), in the Planning Department.

FINALLY PASSED

101446 [Accept and Expend Grant - Central Corridor Growth Strategy and Design Plan - $250,000]

Sponsor: Mayor

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning, for the CalTrans Community-Based Transportation Grant for the Central Corridor Growth Strategy and Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.15 FTE), in the Planning Department.

FINALLY PASSED

101463 [Settlement of Lawsuit - Lexington Insurance - City to Receive $2,750,000; Appropriating Settlement Proceeds]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of $2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100761 [Environment Code - Restrictions on Pesticide Use]

Sponsors: Mayor; Alioto-Pier

Ordinance amending the San Francisco Environment Code by amending Sections 300, 301, 302, 303, 304, 305, 306, and 308, adding Section 310, and repealing Section 307, all to strengthen restrictions on the use of pesticides on City property, and making environmental findings.

FINALLY PASSED

101419 [Environment Code - Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values]

Sponsor: Mar

Ordinance amending the San Francisco Environment Code by amending Sections 1103 and 1105, to require cell phone retailers to provide customers upon request with factsheets regarding Specific Absorption Rate values for cell phones and the use of cell phones, and to delay the enforcement date for certain provisions of the Chapter 11, the "Cell Phone Right-to-Know Ordinance," and making environmental findings.

FINALLY PASSED

101151 [Liquor License Transfer, 1092 Post Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 1028 Geary Street to 1092 Post Street (District 6) to Mark Aloiau for M K Aloiau LLC, dba Mark's Bar, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

101286 [Liquor License, 821 Divisadero Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license (to upgrade current license Type 42 on-sale beer and wine) to Khaled Dajani for Bar 821, located at 821 Divisadero Street (District 5), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

101484 [Accept and Expend Grant - Bayview Hunters Point Healthy Homes Project - $249,555]

Sponsor: Maxwell

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $249,555 from the United States Department of Health and Human Services, Centers for Disease Control and Prevention to support the Bayview Hunters Point Healthy Homes Project by developing policies and services to improve indoor air quality in public housing.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

100041 [Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]

Sponsors: Avalos; Campos, Mar, Chiu and Chu

Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.

FINALLY PASSED

101007 [Administrative Code - Revising Requirements for Purchasing Goods and Services]

Sponsors: Chu; Chiu

Ordinance amending Administrative Code Chapters 21 and 21C to conform Purchasing requirements to Administrative Code Chapter 14B by defining minimum competitive amounts of $100,000 for professional services and commodities contracts and $400,000 for general services contracts, clarify "bid-splitting," and make miscellaneous changes to City procurement requirements; to clarify information technology purchases; to update and conform references to Administrative Code Chapter 14B; to rescind the Sealer of Weights and Measures' authority under Section 21.32 to donate food purchases; to rescind the local tax adjustment set forth in Administrative Code Chapter 21C; to enact a new Section 21.32 to adjust bids likely to result in local sales tax revenue; to reenact and renumber Administrative Code Sections 21.25, 21.25-1, 21.25-2, 21.25-3, 21.25-4, and 21.25-x regarding prevailing wage requirements as Chapter 21C; and to make certain technical corrections.

FINALLY PASSED

101091 [Planning Code - Notice Requirement for "Other Entertainment Uses" in the Van Ness Avenue Special Use District]

Sponsors: Alioto-Pier; Chiu

Ordinance amending the San Francisco Planning Code by amending Section 243 to require notice for "Other Entertainment Uses" in the Van Ness Avenue Special Use District; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

101247 [Planning Code - Update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund]

Sponsor: Maxwell

Ordinance amending Planning Code Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.

FINALLY PASSED

101447 [Accept and Expend Grant - Market and Octavia Historic Resource Preservation Project - $83,529]

Sponsor: Chiu

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of $83,529 from the National Park Service for the period August 1, 2010, through August 31, 2012, in order to conduct the Market and Octavia Historic Resource Preservation Project.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

101609 [Findings Disapproving Conditional Use for Property Located at 10 Bernal Heights Boulevard]

Motion adopting findings disapproving the Planning Commission's approval of Conditional Use Authorization No. 2010.0306C (which approved the installation of wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50 foot tall communications tower and to modify the conditional use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within a RH-1(D) zoning district and a 40-X height and bulk district).

Motion No. M11-1

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101006 [Administrative Code - Revisions to Local Business Enterprise Ordinance]

Sponsors: Chu; Chiu

Ordinance amending Administrative Code Chapter 14B to increase minimum competitive amount for general services contracts to $400,000; to clarify ownership requirements for certification of local businesses with no single majority owner and make other clarifications to address certification of businesses under common ownership or with multiple locations; to clarify requirements for setting aside contracts under the mandatory Micro-LBE Set-Aside program; to exclude contracts under the threshold amount or minimum competitive amount from good faith efforts outreach and documentation requirements; to simplify and coordinate reporting requirements; to re-authorize the Treasurer to negotiate financial instruments in support of the Surety Bond and Financial Assistance Program after these provisions were inadvertently rescinded; and to make technical corrections.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101094 [Administrative Code - Child Care Centers for City Projects and City-Funded Private Projects]

Sponsors: Dufty; Alioto-Pier, Chiu, Mar, Maxwell and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.

Ordinance No. 1-11

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 18, 2011. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Chu, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 25, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

101482 [Annual Reports - Castro/Upper Market Community Benefit District]

Sponsor: Dufty

Resolution regarding Castro/Upper Market Community Benefit District annual reports to the City: receiving and approving the District's Annual Reports for FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the City Operations and Neighborhood Services Committee Without Recommendation

101445 [Public Works Code - Banners on the Path of Gold]

Sponsor: Dufty

Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street, and adopting environmental findings.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091365 [Supporting the Report of the Declining Fossil Fuel Supplies]

Sponsors: Mirkarimi; Mar

Resolution in support of the measures and actions to mitigate the effects of declining fossil fuel supplies recommended in the report of the San Francisco Peak Oil Preparedness Task Force.

ADOPTED by the following vote:
Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Government Audit and Oversight Committee

101358 [Annual Reports - Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District]

Sponsor: Chiu

Resolution approving annual reports to the City for Fisherman's Wharf Community Benefit District and for Fisherman's Wharf Portside Community Benefit District, receiving and approving the Districts' Annual Reports for FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the Districts' management contracts with the City.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101361 [Annual Reports - Noe Valley Community Benefit District]
Sponsor: Dufty
Resolution regarding Noe Valley Community Benefit District annual reports to the City, receiving and approving the District's annual reports for District FYs 2006-2007, 2007-2008, and 2008-2009, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]
Sponsor: Daly
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 101467. Abdallah Megahed; Male Speaker; Velma Herrera; Juana Villenueva; Male Speaker; Paulette Browne; Clemintina Graciela; Jorge Garcia; Female Speaker; Carl Stark; Edmund Juicye; Jose Morales; Otto Duffy; expressed various concerns relating to the appointment of a Successor Mayor. There were no other speakers. The President declared public comment closed.

HEARD AT PUBLIC HEARING

101467 [Selection of a Successor Mayor - Ed Lee]
Sponsor: Daly
Motion to select Ed Lee as successor Mayor in the event of a vacancy in the Office of the Mayor.

NOMINATIONS
Supervisor Campos nominated Sherriff Michael Hennessy.
Supervisor Mirkarimi nominated Former Mayor Art Agnos.
Supervisor Elsbernd nominated City Administrator Ed Lee.
Supervisor Daly nominated Former Supervisor Aaron Peskin.

President Chiu asked if there were any further nominations. There being no response, the nominations for Successor Mayor were then closed.

SELECTION OF THE SUCCESSOR MAYOR
The roll was called on the nominations of Supervisors Campos, Mirkarimi, Elsbernd, and Daly.

ROUND 1
Motion to select Sherriff Michael Hennessy as Successor Mayor failed by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Motion to select Former Mayor Art Agnos as Successor Mayor failed by the following vote:
Ayes: 4 - Campos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Motion to select City Administrator Ed Lee failed by the following vote:
Ayes: 4 - Alioto-Pier, Chiu, Chu, Elsbernd
Noes: 7 - Avalos, Campos, Daly, Dufty, Mar, Maxwell, Mirkarimi

Motion to select Former Supervisor Aaron Peskin failed by the following vote:
Ayes: 3 - Campos, Daly, Mirkarimi
Noes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

RECESS
Supervisor Dufty, seconded by Supervisor Alioto-Pier to recess until 8:45 p.m. passed by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROUND 2
Motion to select Sherriff Michael Hennessy as Successor Mayor failed by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Motion to select Former Mayor Art Agnos as Successor Mayor failed by the following vote:
Ayes: 3 - Campos, Daly, Mirkarimi
Noes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Motion to select City Administrator Ed Lee failed by the following vote:
Ayes: 5 - Alioto-Pier, Chiu, Chu, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Daly, Dufty, Mar, Mirkarimi

Motion to select Former Supervisor Aaron Peskin failed by the following vote:
Ayes: 3 - Campos, Daly, Mirkarimi
Noes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

WITHDRAWL
Supervisor Mirkarimi withdrew his nomination of Former Mayor Art Agnos.

RECESS
Supervisor Avalos, seconded by Supervisor Mirkarimi to recess until 9:45 p.m. passed by the following vote:
Ayes: 9 - Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Chu

Supervisor Avalos, seconded by Supervisor Campos, moved that this Motion be RECESSED to January 7, 2011, at 3:00 p.m. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Daly, Mar, Maxwell, Mirkarimi
Noes: 5 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd

The President recessed File No. 101467 as the Committee of the Whole to January 7, 2011, at 3:00 p.m.

Committee of the Whole Adjourn and Report

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

101526 [Public Hearing - Establish the Civic Center Community Benefit District]

Sponsor: Mayor

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Civic Center Community Benefit District," ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2011-2012, subject to conditions as specified, and making environmental findings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 101527. Lisa Pagan (OEWD) provided an overview and responded to questions raised throughout the discussion. Karen Eckland; Tim Haas; Ernestine Weiss; Debra Newman; Jennifer Norris; Martin Reed; Jim Chapel; spoke in support of the assessment district. Gio Wiederhold; James Chaffee; David Gisam; Peter Warfield; Jim Curran; Bob Stewart; Male Speaker; Edmund Juicye; Male Speaker; Nancy Cross; spoke in opposition of the assessment district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101527 [Resolution to Establish the Civic Center Community Benefit District]

Sponsor: Mayor

Resolution establishing a property-based business improvement district to be known as the "Civic Center Community Benefit District," ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2011-2012, subject to conditions as specified, and making environmental findings.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the Civic Center Community Benefit District Report No. 1 was 86.50%, and the returned weighted ballots voting against the Civic Center Community Benefit District was 13.50%, further indicating there was no majority protest. Ms. Calvillo continued by informing the Board of Supervisors that the returned weighted ballots voting for the Civic Center Community Benefit District Report No. 2, which was amended to remove the residential parcels at 601 Van Ness Avenue "Opera Plaza" was 89.89%, and the returned weighted ballots voting against the Civic Center Community Benefit District was 10.11%, further indicating there was no majority protest.

Privilege of the floor was granted to Lisa Pagan (OEWD) who provided an overview of the results and the amended report which removed the residential parcels at 601 Van Ness Avenue "Opera Plaza."

ADOPTED by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Allison Davis in recognition of her accomplishments and continued community support.

President Chiu presented a Certificate of Honor to Supervisor Alioto-Pier in recognition for her distinguished service as Member of the San Francisco Board of Supervisors. Supervisors Elsbernd, Chu, Maxwell, Campos, Mirkarimi, Avalos, and Mar shared in her commendation.

President Chiu presented a Certificate of Honor to Supervisor Daly in recognition for his distinguished service as Member of the San Francisco Board of Supervisors. Supervisors Avalos, Mar, Campos, Mirkarimi, Chu, and Maxwell shared in his commendation.

President Chiu presented a Certificate of Honor to Supervisor Dufty in recognition for his distinguished service as Member of the San Francisco Board of Supervisors. Supervisors Campos, Alioto-Pier, Maxwell, Mar, Chu, Avalos, Mirkarimi, and Elsbernd shared in his commendation.

President Chiu presented a Certificate of Honor to Supervisor Maxwell in recognition for her distinguished service as Member of the San Francisco Board of Supervisors. Supervisors Dufty, Alioto-Pier, Elsbernd, Campos, Mar, Avalos, Mirkarimi, and Chu shared in her commendation.

Privilege of the floor was granted to Dennis Herrera, City Attorney, who shared in the commendations for the departing Supervisors.

SPECIAL ORDER 4:00 P.M.

101551 [Public Hearing - Appeal of Tentative Parcel Map for 74-76 Castro Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated November 30, 2010, approving a Tentative Parcel Map for a 2-unit condominium conversion located at 74-76 Castro Street, Lot No. 013, in Assessor's Block No. 2611. (District 8) (Appellant: James Coy Driscoll on behalf of Martin Hyland) (Clerk of the Board)
(Filed December 10, 2010; Companion Measure to File Nos. 101552, 101553 and 101554.)

The President inquired as to whether any member of the public wished to address the Board relating to a continuance. Martin Hyland (Appellant) spoke in support of a continuance. There were no other speakers. The President continued the public hearing open to January 25, 2011.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to January 25, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101552 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 74-76 Castro Street]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Motion be CONTINUED to January 25, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101553 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 74-76 Castro Street]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Campos, moved that this Motion be CONTINUED to January 25, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101554 [Findings Related to the Tentative Parcel Map Disapproval for 74-76 Castro Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Campos, moved that this Motion be CONTINUED to January 25, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendations of the Rules Committee

101507 [Appointment, Public Utilities Commission - Vince Courtney]

Motion approving the Mayor's appointment of Vince Courtney to the Public Utilities Commission, Seat No. 5, for the unexpired portion of a four-year term ending August 1, 2012. (Clerk of the Board)

Motion No. M11-2

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101508 [Appointment, Public Utilities Commission - Vince Courtney]

Motion rejecting the Mayor's appointment of Vince Courtney to the Public Utilities Commission, Seat No. 5, for the unexpired portion of a four-year term ending August 1, 2012. (Clerk of the Board)

This item was not sent as a Committee Report.

101509 [Reappointment, Historic Preservation Commission - Andrew Wolfram]

Motion approving the Mayor's nomination for reappointment of Andrew Wolfram to the Historic Preservation Commission, Seat No. 2, for a four-year term ending December 31, 2014. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101510. Transmittal date - December 1, 2010.)

This item was not sent as a Committee Report.

101510 [Reappointment, Historic Preservation Commission - Andrew Wolfram]

Motion rejecting the Mayor's nomination for reappointment of Andrew Wolfram to the Historic Preservation Commission, Seat No. 2, for a four-year term ending December 31, 2014. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101509. Transmittal date - December 1, 2010.)

This item was not sent as a Committee Report.

101511 [Appointment, Historic Preservation Commission - Richard Johns]

Motion approving the Mayor's nomination for appointment of Richard Johns to the Historic Preservation Commission, Seat No. 4, for a four-year term ending December 31, 2014. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101512. Transmittal date - December 1, 2010.)

This item was not sent as a Committee Report.

101512 [Appointment, Historic Preservation Commission - Richard Johns]
Motion rejecting the Mayor's nomination for appointment of Richard Johns to the Historic Preservation Commission, Seat No. 4, for a four-year term ending December 31, 2014. (Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101511. Transmittal date - December 1, 2010.)

This item was not sent as a Committee Report.

101513 [Reappointment, Historic Preservation Commission - Karl Hasz]
Motion approving the Mayor's nomination for reappointment of Karl Hasz to the Historic Preservation Commission, Seat No. 6, for a four-year term ending December 31, 2014. (Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101514. Transmittal date - December 1, 2010.)

This item was not sent as a Committee Report.

101514 [Reappointment, Historic Preservation Commission - Karl Hasz]
Motion rejecting the Mayor's nomination for reappointment of Karl Hasz to the Historic Preservation Commission, Seat No. 6, for a four-year term ending December 31, 2014. (Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101513. Transmittal date - December 1, 2010.)

This item was not sent as a Committee Report.

101516 [Confirming Appointments, San Francisco Relocation Appeals Board - Harry Kim and Herb Cohn]
Sponsor: Mayor
Resolution confirming the appointments of Harry Kim and Herb Cohn to the San Francisco Relocation Appeals Board, terms ending January 2, 2012.

This item was not sent as a Committee Report.

101517 [Confirming Appointment, City Hall Preservation Advisory Commission - Florence Kong]
Sponsor: Mayor
Resolution confirming the appointment of Florence Kong to the City Hall Preservation Advisory Commission, term ending January 13, 2012.

This item was not sent as a Committee Report.

101518 [Confirming Appointment, Municipal Transportation Agency Board of Directors - Leona Bridges]

Sponsor: Mayor

Resolution confirming the appointment of Leona Bridges to the Municipal Transportation Agency Board of Directors, term ending March 1, 2014.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101296 [Confirming Appointment, Port Commission - Michael Kim]

Sponsor: Mayor

Motion confirming the appointment of Michael Kim to the Port Commission, term ending May 1, 2014.

This item was not sent as a Committee Report.

101515 [Confirming Appointment, Port Commission - Leslie Katz]

Sponsor: Mayor

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.

Supervisor Mar, seconded by Supervisor Campos, moved that this Motion be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns.
Male Speaker; expressed various concerns.
Alan Jones; expressed concerns relating to treatment of homosexuals.
Reynaldo and Ernesto; expressed concerns relating to the motion to sit as a Committee of the Whole to appoint a Successor Mayor.
Michele Flowers; expressed concerns relating to due process.
Ruthanne Shpiner; spoke in opposition to KPFA legislation.
David Warstrom; spoke in opposition to KPFA legislation.
Laura Rivera; spoke in opposition to KPFA legislation.
Stan Woods; spoke in opposition to KPFA legislation.
Gio Wiederhold; expressed concerns relating to community benefit districts.
Ace Washington; expressed various concerns.
Peter Warfield; spoke regarding departing Supervisors.
Tomas Picanelli; spoke regarding departing Supervisors.
Francisco DaCosta; expressed concerns relating to the motion to sit as a Committee of the Whole to appoint a Successor Mayor.
Ray Hartz; expressed concerns relating to government.
Cathy Grimmer; expressed concerns relating to community benefit districts.
Male Speaker; expressed concerns relating to community benefit districts.
Ernestine Weiss; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101566 [Accept and Expend Grant - Integrating I-Tech International AIDS Education & Training Center - $13,001]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $13,001 from the University of California San Francisco, to participate in a program entitled "Integrating I-Tech International AIDS Education and Training Center" for the period of April 1, 2010, through March 31, 2011.

ADOPTED

101567 [Accept and Expend Grant - Oil Spill Response Planning - $31,000]

Sponsor: Chu

Resolution retroactively authorizing the Department of Emergency Management to accept and expend a grant in the amount of $31,000 from the California Department of Fish and Game for oil spill response planning for the period July 1, 2010, through June 30, 2011.

ADOPTED

101569 [Accept and Expend Gift - Golden Gate Park Irrigation - $73,146]

Sponsor: Mar

Resolution authorizing the Recreation and Park Department to accept and expend a gift from Warren Hellman and the Hardly Strictly Bluegrass Festival of $73,146 to improve the irrigation systems in Speedway, Lindley, and Marx Meadows in Golden Gate Park. (Recreation and Park Department)

ADOPTED

101570 [Accept and Expend Grant - Sudden Oak Death - $896]

Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant (Agreement #10-0511) from the California Department of Food and Agriculture in the amount of $896 to fund the project "Sudden Oak Death" for the period of July 1, 2010, through June 30, 2011. (Public Health Department)

ADOPTED

101571 [Amending Public Hearing Date Relating to Infrastructure Financing District - Rincon Hill - from January 25, 2011, at 3:00 p.m., to February 8, 2011, at 3:00 p.m.]

Sponsors: Mayor; Maxwell

Resolution amending Resolution No. 496.10 to reschedule the public hearing date relating to the formation of Infrastructure Financing District No. 1 (Rincon Hill Area), from January 25, 2011, at 3:00 p.m., to February 8, 2011, at 3:00 p.m.

ADOPTED

101573 [Extending the Term of Service for the Power Plant Task Force]

Sponsor: Maxwell

Resolution extending the termination date of the Power Plant Task Force to December 31, 2011.

ADOPTED

101596 [Commending Supervisor Michela Alioto-Pier]

Sponsor: Chiu

Resolution Commending and Honoring Supervisor Michela Alioto-Pier for her distinguished service as a Supervisor of the City and County of San Francisco.

ADOPTED

101597 [Commending Supervisor Chris Daly]

Sponsor: Chiu

Resolution Commending and Honoring Supervisor Chris Daly for his distinguished service as a Supervisor of the City and County of San Francisco.

ADOPTED

101598 [Commending Supervisor Bevan Dufty]

Sponsor: Chiu

Resolution Commending and Honoring Supervisor Bevan Dufty for his distinguished service as a Supervisor of the City and County of San Francisco.

ADOPTED

101599 [Commending Supervisor Sophie Maxwell]

Sponsor: Chiu

Resolution Commending and Honoring Supervisor Sophie Maxwell for her distinguished service as a Supervisor of the City and County of San Francisco.

ADOPTED

101568 [Directing the Budget and Legislative Analyst's to Conduct Three Audits in FY2010-2011 and Set the Priority for These Three Audits]

Sponsor: Mar

Motion directing the Budget and Legislative Analyst to conduct three audits to evaluate (a) the City's policies and revenues for advertising on public property; (b) the financial impact to the City of the provisions for Standby Pay, Lead Pay, and other related premium pay in the fiscal provisions of the City's Memoranda of Understanding with Labor Unions; and (c) the impact of hiring five new positions in the Assessor's Office on the property assessment backlog and property tax revenue.

Motion No. M11-4

APPROVED

101580 [Final Map 5871: 1597 - 1599 Haight Street and 612 Clayton Street]

Motion approving Final Map 5871, a Six Unit Mixed-Use Condominium Project (4 Unit Residential and 2 Unit Commercial), located at 1597 - 1599 Haight Street and 612 Clayton Street being a subdivision of Lot 023 in Assessors Block No. 1245 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-5

APPROVED

101581 [Final Map 6004: 121-9th Street]

Motion approving Final Map 6004, a 21 Unit Mixed-Use Condominium Project (20 Unit Residential and 1 Unit Commercial), located at 121-9th Street being a subdivision of Lot 069 in Assessors Block No. 3728 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-6

APPROVED

101582 [Final Map 5691: 995 - 999 Sutter Street]

Motion approving Final Map 5691, a Two Lot Subdivision, Parcel "B" being a Three Residential Unit and One Commercial Unit Condominium Project, located at 995 - 999 Sutter Street being a subdivision of Lot 012 in Assessors Block No. 0300 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-7

APPROVED

101583 [Final Map 5955: 1816 Eddy Street]

Motion approving Final Map 5955, a 19 Residential Unit Condominium Project, located at 1816 Eddy Street being a subdivision of Lot 064 in Assessors Block No. 1127 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-8

APPROVED

101584 [Final Map 4169: 660 King Street]

Motion approving Final Map 4169, a 21 Commercial Unit and 148 Residential Unit Mixed-Use Condominium Project, located at 660 King Street being a subdivision of Lot 007 in Assessors Block No. 3799 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-9

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

The President requested that File No. 101465 be severed so that it may be considered separately.

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]

Sponsor: Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on January 4, 2011, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101465. See general public comment. Orry P. Korb, Nancy J. Clark, and James Williams, Outside Counsel from Santa Clara County, responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed.

Motion No. M11-3

APPROVED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Dufty

Supervisor Alioto-Pier requested that File No. 101529 be severed so that it may be considered separately.

101529 [Supporting the KPFA Morning Show]

Sponsors: Avalos; Campos, Mar and Mirkarimi

Resolution expressing concern about recent layoffs of the KPFA Morning Show staff and urging Pacific Radio, KPFA's Local Board, the staff members and their union to find a solution to the current programming crisis.

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Elsbernd, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Maxwell

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

110005 [Family Service Agency Day - February 17, 2011]

Sponsor: Dufty

Resolution declaring February 17, 2011, as Family Service Agency Day to recognize its 121 year legacy of reform, innovation and concern for the most vulnerable of San Francisco's residents.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110005. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

110006 [Suzy Loftus Day - January 4, 2011]

Sponsor: Alioto-Pier

Resolution declaring January 4, 2011, as Suzy Loftus Day in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110006. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

110008 [Planning Code - Amending Inclusionary Housing Ordinance to Add New Alternative in Market and Octavia Plan Area]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by amending Section 415.5 to provide for a new land dedication alternative in the Market and Octavia Plan Area in lieu of payment of the Affordable Housing Fee; and adding Section 415.10 to provide for the requirements of such land dedication; making findings including environmental findings and findings of consistency with the Priority Policies and the General Plan.

01/04/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/3/2011.

110009 [Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

01/04/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/3/2011.

110010 [Planning Code - Zoning - NC-3 District of Fillmore Street between Bush and McAllister Streets]

Sponsor: Mirkarimi

Ordinance (1) amending Section 145.4 of the San Francisco Planning Code to require active ground-floor commercial uses in properties fronting on Fillmore Street between Bush and McAllister Streets in the NC-3 District; and (2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

01/04/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/3/2011.

110011 [Administrative Code - Composition - Justice Tracking Information System Committee Governance Council]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code Section 2A.85 to add the City Administrator as a member of the Justice Tracking Information System (JUSTIS) Committee Governance Council and to designate the City Administrator as the Chair of the Council.

01/04/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 2/3/2011.

110012 [Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $603,888]

Sponsor: Mayor

Ordinance authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one grant-funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Office of Economic and Workforce Development.

01/04/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents.

04/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2010.

04/27/10; REFERRED TO DEPARTMENT.

05/04/10; RESPONSE RECEIVED.

07/14/10; RESPONSE RECEIVED.

07/20/10; SUBSTITUTED.

07/20/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/26/10; REFERRED TO DEPARTMENT.

09/21/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

09/23/10; REFERRED TO DEPARTMENT.

11/16/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/14/10; CONTINUED ON FIRST READING.

01/04/11; RE-REFERRED to Land Use and Economic Development Committee.

Resolutions

110005 [Family Service Agency Day - February 17, 2011]

Sponsor: Dufty

Resolution declaring February 17, 2011, as Family Service Agency Day to recognize its 121 year legacy of reform, innovation and concern for the most vulnerable of San Francisco's residents.

01/04/11; ADOPTED.

110006 [Suzy Loftus Day - January 4, 2011]

Sponsor: Alioto-Pier

Resolution declaring January 4, 2011, as Suzy Loftus Day in the City and County of San Francisco.

01/04/11; ADOPTED.

110013 [Accept and Expend Grant - Community Services Block Grant - $750,000]

Sponsor: Mayor

Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a Community Services Block Grant in the amount of $750,000 from the California State Department of Community Services and Development, through the Economic Opportunity Council, to support CityBuild, the Summer Youth Employment Program, and RAMP SF.

01/04/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110015 [Accept and Expend Grant - With Open Arms - $12,500]

Sponsor: Mirkarimi

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $12,500 from van Löben Sels/RembeRock Foundation for mentoring and enrichment programming for participants in the With Open Arms initiative.

01/04/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110016 [Authorization to Apply for CalFire State Grant - Urban Forest Enhancement]

Sponsor: Mayor

Resolution authorizing the Department of the Environment for the City and County of San Francisco to apply for funding from the Department of Forestry and Fire Protection (CalFire) for a project to plant fruit bearing trees on appropriate City land.

01/04/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

101601 [Appointment, Health Officer - Tomás Javier Aragón]

Sponsor: Chiu

Motion appointing Tomás Javier Aragón, effective on December 15, 2010, to the position of Health Officer for the City and County of San Francisco.

12/29/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110007 [Ratifying the Appointment of a Successor Mayor]

Motion to ratify the appointment of a successor Mayor due to the occurrence of a vacancy in the Office of the Mayor for a term expiring January 8, 2012. (Clerk of the Board)

01/04/11; ASSIGNED to Board of Supervisors.

101515 [Confirming Appointment, Port Commission - Leslie Katz]

Sponsor: Mayor

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.

12/01/10; RECEIVED AND ASSIGNED to Rules Committee.

01/04/11; RE-REFERRED to Rules Committee.

Request for Hearing

110014 [Hearing - Use of Segways in Golden Gate Park Safety Regulations]
Sponsor: Mar
Hearing to discuss the safety regulations regarding the use of Segways in Golden Gate Park.

01/04/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Introduced by the President at the Request of a Department

PROPOSED ORDINANCES

101576 [Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive $75,000]
Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons and Sheldon Morris for $45,000 from defendant Alexander A. Deanda and $30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney)

12/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101577 [Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - $270,000]
Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for $270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney)

12/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101585 [Settlement of Lawsuit - Kevin Montague - $60,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for $60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101586 [Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - $34,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for $34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101587 [Settlement of Lawsuit - David Cheung dba Kwok Shing Hong - $350,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually and dba Kwok Shing Hong against the City and County of San Francisco for $350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101588 [Settlement of Lawsuit - KLW, LLC - $210,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC against the City and County of San Francisco for $210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101589 [Settlement of Lawsuit - Sunday Bazaar/2170 Folson, LLC - $127,372]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folson, LLC, against the City and County of San Francisco for $127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101590 [Settlement of Lawsuit - Kroll Furniture - $65,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for $65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101591 [Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - $55,000]
Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for $55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101592 [Settlement of Lawsuit - Mackin, et al. - City to Pay $63,020 for Easement]
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

12/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101600 [Settlement of Lawsuit - National Union - City to Receive $925,000; Appropriating Settlement Proceeds]
Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of $925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)

12/22/10; RECEIVED AND ASSIGNED to Rules Committee.

101608 [Settlement of Lawsuit - AboveNet Communications, Inc. - $183,479.00]
Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for $183,479.00; the lawsuit was filed on December 10, 2007 in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009 to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)

12/23/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101578 [Agreement - Olin Corporation - Sodium Hypochlorite - Estimated to Exceed $10,000,000]

Resolution approving the Agreement between the City and Olin Corporation, dba Olin Chlor Alkali, for Sodium Hypochlorite, which is estimated to exceed $10,000,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)

12/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101579 [Airport Commission Bond-Related Authorizations - Not to Exceed $1,600,000,000]

Resolution approving the issuance of not to exceed $1,600,000,000 aggregate principal amount of San Francisco International Airport Second Series Refunding Revenue Bonds to refinance Airport Bonds and Subordinate Bonds; Approving the issuance of not to exceed $125,000,000 aggregate principal amount of San Francisco International Airport Special Facilities Bonds to finance and refinance fuel storage and delivery facilities; Approving the maximum interest rates, maturity dates and number of issues of such Refunding Bonds, Subordinate Bonds and Special Facilities Bonds; Approving certain resolutions of the Airport Commission; Approving the forms of certain agreements related to such Bonds and authorizing the execution and delivery thereof; Approving certain amendments to the 1991 Resolution; and Approving certain other related matters. (Airport Commission)

12/17/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101593 [Settlement of Unlitigated Claim - California Capital Insurance Company - $57,892.75]

Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company as subrogee for Michelle Azevedo against the City and County of San Francisco for $57,892.75; claim was filed on January 13, 2009. (City Attorney)

12/20/10; RECEIVED AND ASSIGNED to Rules Committee.

101595 [Sale Agreement - Permanent and Temporary Easements for Highway 84 Improvement Project in Alameda County - $6,000]

Resolution approving and authorizing an agreement for the sale and conveyance of property rights in fee interest, two nonexclusive permanent easements and three temporary easements over portions of Assessor's Parcel Numbers 85A-5400-2-3 and 507-762-005-00 located in Alameda County under the jurisdiction of the San Francisco Public Utilities Commission to State of California acting through its California Department of Transportation for a purchase price of $6,000 which includes $2,500 payment for City and County of San Francisco's administration and legal fees; adopting SFPUC's Resolution 10-0094; further adopting findings that the conveyance is in conformity with the City's General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code; is consistent with the Eight Priority Policies of City Planning Code Section 101.1; adopting that the sale/conveyance is "Categorically Exempt" from environmental review under Class 12-Surplus Government Property Sales under CEQA Guidelines; and authorizing City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

12/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 10:32 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JAN 19 2011

SAN FRANCISCO
PUBLIC LIBRARY

Friday, January 7, 2011 - 3:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Recessed Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 3:15 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

Board of Supervisors Sitting as a Committee of the Whole

101467 [Appointment of a Successor Mayor]

Sponsor: Daly

Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Angela Calvillo, Clerk of the Board, provided an overview of the current roster of nominations.

WITHDRAWL
Supervisor Daly withdrew his nomination of Former Supervisor Aaron Peskin.

Motion by Supervisor Daly, seconded by Supervisor Mirkarimi, to re-open nominations. The Motion failed by the following vote:
Ayes: 5 - Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Avalos, Chu, Dufty, Elsbernd, Maxwell

A question and answer period followed. Nancy J. Clark, Outside Counsel from Santa Clara County, responded to questions raised throughout the discussion. Board Members commented on the matter.

NOMINATIONS
Supervisor Campos nominated Sherriff Michael Hennessy.
Supervisor Elsbernd nominated City Administrator Ed Lee.

SELECTION OF THE SUCCESSOR MAYOR
The roll was called on the nominations of Supervisors Campos and Elsbernd.

ROUND 3
Motion to select Sherriff Michael Hennessy as Successor Mayor failed by the following vote:
Ayes: 2 - Campos, Daly
Noes: 9 - Avalos, Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd, seconded by Supevisor Alioto-Pier, moved that this Motion be AMENDED selecting City Adminstrator Ed Lee as Successor Mayor. The Motion passed by the following vote:
Ayes: 10 - Avalos, Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Elsbernd, seconded by Supevisor Alioto-Pier, moved that this Motion be RECOMMENDED AS AMENDED. The Motion passed by the following vote:
Ayes: 10 - Avalos, Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

The President adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

Committee of the Whole Adjourn and Report

101467 [Selection of a Successor Mayor - Ed Lee]

Sponsor: Daly

Motion to select Ed Lee as successor Mayor in the event of a vacancy in the Office of the Mayor.

Motion No. M11-10

APPROVED AS AMENDED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

110007 [Ratifying the Appointment of a Successor Mayor]

Motion to ratify the appointment of a successor Mayor due to the occurrence of a vacancy in the Office of the Mayor for a term expiring January 8, 2012. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Mar, moved that this Motion be CONTINUED to January 11, 2011. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:18 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JAN 19 2011

SAN FRANCISCO
PUBLIC LIBRARY

Saturday, January 8, 2011 - 12:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Inaugural Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee	Monday 1:00 PM
Rules Committee	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 12:10 p.m. On the call of the roll, all Supervisors were noted present.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board Members that she had received a communication from the Director of Elections, certifying the candidates for the Office of Members of the Board of Supervisors who received a plurality of votes cast at the election held on November 2, 2010, who, therefore, have been declared elected to that office, namely:
Carmen Chu
Malia Cohen
Mark Farrell
Jane Kim
Scott Wiener

Additionally, Ms. Calvillo informed the Board Members that she had received a communication from the Controller, confirming that certificiation of surety bond requirements were established for all newly elected and continuing Supervisors pursuant to San Francisco Administrative Code Article IX, Section 16.122(a)(e).

OATH OF OFFICE

President David Chiu announced that the Honorable Katherine Feinstein, Presiding Judge, Superior Court of California, County of San Francisco, would not be present and introduced the Honorable Cynthia Lee, Presiding Judge, Supervisor Court of California, County of San Francisco, who requested the Board Members to stand, whereupon Judge Lee admistered the oath of office.

ELECTION OF THE PRESIDENT OF THE BOARD

NOMINATIONS

Supervisor Chu nominated Supervisor Elsbernd.
Supervisor Kim nominated Supervisor Chiu.
Supervisor Avalos nominated Supervisor Mirkarimi.
Supervisor Campos nominated Supervisor Avalos.

Supervisor Mirkarimi did not accept the nomination for President of the Board of Supervisors.

The President asked if there were any further nominations. There being no response, the nominations for President of the Board of Supervisors were then closed.

PUBLIC COMMENT

The Clerk of the Board asked if there was anyone present who wished to address the question of the nomination of the President of the Board of Supervisors.

Dr. Willard Walker; Dawn Turner; Frank Canada; Paulette Browne; Sharon Yuney; Albert Sandoval; Kay Gulbengay; Wen Tsui; Jim Salinas; Tammy Brian; Ed; Sedrick Jackson; Sharon Elias-Jackson; Peter Warfield; Patrick Monk; Ace Washington; Dr. John Darcy; Allison Villaneuva; Female Speaker; Cynthia Cruz; Malcolm Young; Alma; spoke indicating their support of the individual nominees.

The President declared public comment closed.

SELECTION OF THE BOARD PRESIDENT

The roll was called on the nominations of Supervisors Elsbernd, Chiu, and Avalos.

Round 1 - Motion to elect President of the Board of Supervisors failed by the following vote:
Elsbernd: 4 - Chu, Elsbernd, Farrell, Wiener
Chiu: 4 - Chiu, Cohen, Kim, Mar
Avalos: 3 - Avalos, Campos, Mirkarimi

Supervisor Elsbernd withdrew his name from nomination for President of the Board of Supervisors.

Round 2 Motion to elect President of the Board of Supervisors passed by the following vote:
Chiu: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Avalos: 3 - Avalos, Campos, Mirkarimi

PRESIDENT ASSUMES THE CHAIR

President Chiu remained in the President's Chair.

REMARKS FROM MAYOR

President David Chiu announced that he received notification from the Honorable Mayor Gavin Newson that indicated he was unable to attend and wished to congratulate the newly elected and re-elected members of the Board of Supervisors.

REMARKS FROM BOARD MEMBERS

Each member of the Board of Supervisors was called and afforded an opportunity for brief remarks and for introduction of family members or guests in attendance.

REMARKS BY THE PRESIDENT OF THE BOARD

President acknowledged the presence of the following elected officials, representatives of elected officials, and various City Department heads: Senator Mark Leno; Representative for Congresswoman Jackie Spiers, Jonathon Cast; Board of Education Member Hydra Mendoza; Former President of the Board of Supervisors, Angela Alioto; City Attorney Dennis Herrera; Treasurer José Cisneros; Assessor/Recorder Phil Ting; Public Defender Jeff Adachi; Police Chief George Gascon; Fire Chief Joanne Hayes-White; Representative of City Administrator Ed Lee, Amy Brown; and Office of the Mayor's Chief of Staff Steve Kawa. President Chiu gave his commitment to working with the members of the Board of Supervisors, City Agency Departments, and the public in addressing issues which impact the citizens of San Francisco.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:06 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 11, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JAN 19 2011

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee	Monday 1:00 PM
Public Safety Committee	1st and 3rd Monday 10:00 AM
Rules Committee	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on January 5, 2011, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

CONSENT AGENDA

There were no items.

REGULAR AGENDA

UNFINISHED BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

101445 [Public Works Code - Banners on the Path of Gold]

Sponsor: Dufty

Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street, and adopting environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

There were no items.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101467 [Selection of a Successor Mayor - Edwin Lee]
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions on January 7, 2011, regarding File No. 101467, noted below:

Motion No. M11-10
APPROVED AS AMENDED
Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

There was no further action on this matter.

Committee of the Whole Adjourn and Report

110007 [Appointment of a Successor Mayor - Edwin Lee]
Motion to ratify the appointment of a successor Mayor due to the occurrence of a vacancy in the Office of the Mayor for a term expiring January 8, 2012. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion to appointment Edwin Lee as successor Mayor due to the occurrence of a vacancy in the Office of the Mayor for a term expiring January 8, 2012. (Clerk of the Board)

President David Chiu welcomed to the Board of Supervisors Chamber newly appointed Mayor Edwin Lee who addressed the Board of Supervisors and stated he was looking forward to working with the members of the Board of Supervisors in addressing the financial issues facing the City and County of San Francisco.

RECESS
Supervisor Farrell, seconded by Supervisor Campos, moved to recess until 5:00 p.m. to allow newly appointed Mayor Edwin Lee to be sworn in to office as Mayor of the City and County of San Francisco. The Motion passed by the following vote:
Ayes: 11 - Avalos, Campos, Chu, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

RECONVENING OF THE BOARD

The Board at the hour of 5:00 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chu, Chiu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener. Supervisor Kim was noted present at 5:02 p.m.

Motion No. M11-11

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

101543 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 10 Lundys Lane]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2010, that a project located at 10 Lundys Lane (Building Permit Application No. 2010-08-27-9763) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed work involves interior and exterior renovation of an existing single family home, Lot No. 029A in Assessor's Block No. 5610. (District 9) (Appellant: John de Soto) (Filed December 2, 2010; Companion Measure to File Nos. 101544, 101545, 101546.)

The President inquired as to whether any member of the public wished to address the Board. John Soto (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Debra Zell; Russell Miers; Male Speaker; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department. Brett Gladstone (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Ann Hughes; Barbara Simons; Lisa Castenones; Jose Mehia; Casey Smith; Michelle Vidal; Carolyn Short-McKenna; Laura Baron; Joseph Woods; spoke in support of the project and in opposition to the appeal. John Soto (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101544 [Affirming the Exemption Determination - 10 Lundys Lane]

Motion affirming the determination by the Planning Department that the project located at 10 Lundys Lane is exempt from environmental review. (Clerk of the Board)

Motion No. M11-12

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101545 [Reversing the Exemption Determination - 10 Lundys Lane]

Motion reversing the determination by the Planning Department that the 10 Lundys Lane project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101546 [Preparation of Findings to Reverse the Exemption Determination - 10 Lundys Lane]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 10 Lundys Lane is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

101547 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 134-136 Ord Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2010, Case No. 2009.1124DDV, that a project located 134-136 Ord Street is exempt from environmental review under Categorically Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves construction of a new single-family home at the front of the subject lot, which new building would be located in front of an existing building on the lot, Lot No. 004 in Assessor's Block No. 2657. (District 8) (Appellant: Corbett Heights Neighbors) (Filed December 9, 2010; Companion Measure to File Nos. 101548, 101549, 101550.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers. The President continued the public hearing open to March 1, 2011.

Supervisor Wiener, seconded by Supervisor Mar, moved that this Hearing be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101548 [Affirming the Exemption Determination - 134-136 Ord Street]

Motion affirming the determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Mar, moved that this Motion be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101549 [Reversing the Exemption Determination - 134-136 Ord Street]

Motion reversing the determination by the Planning Department that the 134-136 Ord Street project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Mar, moved that this Motion be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101550 [Preparation of Findings to Reverse the Exemption Determination - 134-136 Ord Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Mar, moved that this Motion be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Edmond Juicye; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Barbara Kingerry; spoke regarding her phone banking service.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Maggie Scott; expressed concerns relating to human services and solving child homicides and violence in the community.
Sudi Scull; expressed concerns relating to smart meters.
Leslie de Taillandier; expressed concerns relating to smart meters.
Male Speaker; expressed concerns relating to violent crimes.
Male Speaker; expressed various religious concerns.
Female Speaker; expressed concerns relating to violent crimes.
Male Speaker; expressed various concerns.
Ernestine Weiss; expressed support for the newly elected Board of Supervisors.
Velma Encorporio: expressed support for the newly elected Board of Supervisors.
Aydele Wilson; expressed various concerns.
Francisco Da Costa, expressed various concerns.

Privilege of the floor was granted to Mayor Jean Quan, City of Oakland, who addressed the Board of Supervisors in recognition of the momentus occasion of appointing a Successor Mayor.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110015 [Accept and Expend Grant - With Open Arms - $12,500]

Sponsor: Mirkarimi

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $12,500 from van Löben Sels/RembeRock Foundation for mentoring and enrichment programming for participants in the With Open Arms initiative.

ADOPTED

110016 [Authorization to Apply for CalFire State Grant - Urban Forest Enhancement]

Sponsor: Mayor

Resolution authorizing the Department of the Environment for the City and County of San Francisco to apply for funding from the Department of Forestry and Fire Protection (CalFire) for a project to plant fruit bearing trees on appropriate City land.

ADOPTED

101601 [Appointment, Health Officer - Tomás Javier Aragón]

Sponsor: Chiu

Motion appointing Tomás Javier Aragón, effective on December 15, 2010, to the position of Health Officer for the City and County of San Francisco.

Motion No. M11-13

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110019 [Street Vacation Order - Transbay Transit Center]

Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works pending Order No.; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

01/03/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

110001 [Agreement to Acquire Easement in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]

Resolution approving and authorizing acceptance of a Right of Way Easement deed for a 50-year, exclusive, subsurface easement, at no charge, from United States Department of the Interior, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

12/28/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110002 [Exchange of Quitclaim Deeds - San Francisco Unified School District]

Resolution (1) authorizing and directing execution of a quitclaim deed from the City and County of San Francisco to the San Francisco Unified School District, a political subdivision of the State of California, for 110 public school properties; (2) authorizing and directing the acceptance of a quitclaim deed by the City and County of San Francisco from the San Francisco Unified School District for five properties owned in fee by the City and County of San Francisco; and (3) adopting findings pursuant to City Planning Code Section 101.1. (Real Estate Department)

12/30/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110017 [Street Vacation - Resolution of Intent - Transbay Transit Center]
Resolution declaring the intention of the Board of Supervisors to vacate portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; and setting the hearing date for all persons interested in the proposed vacation of said public right-of-way areas and public service easements. (Real Estate Department)

01/03/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:01 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 25, 2011 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

JAN 28 2011

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 11:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

There were no items.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be RE-REFERRED to the Public Safety Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101410 [Airport Promotion and Event Fund]

Sponsor: Mayor

Ordinance establishing a special fund to receive donations and authorizing expenditures for the purpose of holding events to promote the opening of the newly renovated Terminal 2 of the San Francisco International Airport; and deleting obsolete provisions.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101499 [Payment of Reward to John Doe - $10,000]

Sponsor: Wiener

Ordinance authorizing the Mayor's Office to reward John Doe $10,000 for providing information that led to the arrest of a criminal defendant.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101413 [Accept and Expend Grant - Congestion Management Agency Block Grant - $11,553,000]

Sponsor: Mayor

Resolution authorizing the Department of Public Works to accept and expend $11,553,000 in Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds awarded through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101428 [Grant Agreements - Bicycle Projects - $166,200]

Sponsor: Mar

Resolution approving three Bicycle Facility Program Grant Agreements with the Bay Area Air Quality Management District with contract terms of more than 10 years.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101453 [Professional Services Agreement - Howard, Needles, Tammen & Bergendoff - $11,704,955]

Sponsor: Mayor

Resolution approving the Professional Services Agreement, Airport Contract 9015.1 Master Architect for Replacement Air Traffic Control Tower/Terminal 1 Complex Redevelopment Program between Howard, Needles, Tammen & Bergendoff, and the City and County of San Francisco, acting by and through its Airport Commission, in the lump sum amount of $11,704,955, and a contingency budget of $1,626,412 for Airport and FAA requested changes, pursuant to San Francisco Charter Section 9.118(b).
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101504 [Airport Concession Lease - Museum of Modern Art]

Resolution approving the International Terminal Museum/Gallery Store Lease between San Francisco Museum of Modern Art and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101505 [Purchase Agreement - Permanent Access Road Easement - Stanislaus County - $13,000]

Resolution (1) approving and authorizing an agreement for the purchase of a permanent access road easement totaling 2.16 acres over portions of Assessor's Parcel Numbers 016-002-017, 016-002-018 and 016-002-44 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $13,000; (2) adopting findings under the California Environmental Quality Act; (3) adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and (4) authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101506 [Master Lease - Hotel Le Nain at 730 Eddy Street]

Resolution authorizing the Master Lease of the Hotel Le Nain at 730 Eddy Street for the Department of Public Health. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101524 [Accept and Expend Grant - Green Cleaning Project - $75,463]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $75,463 from the US Environmental Protection Agency to implement a green cleaning pilot project that will lead to the creation of multi-lingual green cleaning guidelines.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101575 [Annual Reports - Fillmore Jazz Community Benefit District]
Sponsor: Mirkarimi

Resolution regarding Fillmore Jazz Community Benefit District annual reports to the City: receiving and approving the District's Annual Reports for District FYs 2007, 2008, and 2009, which include the District's proposed budget for District FY2010, as submitted pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code § §36600 et seq.) and Section 3.4 of the District's management contract with the City.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101495 [License with UnitedLayer to Use Property - 200 Paul Street]

Resolution authorizing the license of space and services with UnitedLayer at 200 Paul Street for the Department of Technology. (Real Estate Department)
(Supervisor Kim dissented in Committee.) (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101496 [License with Telx to Use Property - 200 Paul Street]

Resolution authorizing the license of space and services with Telx at 200 Paul Street for the Department of Technology.
(Supervisor Kim dissented in Committee.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Officer Christopher Putz in recognition of his accomplishments as the sole member of the SFPD graffiti unit and continued community support. Commander David Lazar and John Benoff (Graffiti Task Force) shared in his commendation.

Supervisor Chiu introduced, welcomed, and presented Certificates of Honor to Francesca Valdez and Karl Preskot of Broadway Studios in recognition of their speedy actions during a recent North Beach fire and continued community support.

SPECIAL ORDER 4:00 P.M.

101551 [Public Hearing - Appeal of Tentative Parcel Map for 74-76 Castro Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated November 30, 2010, approving a Tentative Parcel Map for a 2-unit condominium conversion located at 74-76 Castro Street, Lot No. 013, in Assessor's Block No. 2611. (District 8) (Appellant: James Coy Driscoll on behalf of Martin Hyland) (Clerk of the Board)
(Filed December 10, 2010; Companion Measure to File Nos. 101552, 101553 and 101554.)

Supervisor Wiener communicated receipt of a letter from the Appellant, dated January 25, 2011, indicating all parties had reached an agreement and requesting dismissal of the appeal. The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101552 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 74-76 Castro Street]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013.

Motion No. M11-17

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101553 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 74-76 Castro Street]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101554 [Findings Related to the Tentative Parcel Map Disapproval for 74-76 Castro Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-lot condominium conversion subdivision located at 74-76 Castro Street, Assessor's Block No. 2611, Lot No. 013. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

101509 [Reappointment, Historic Preservation Commission - Andrew Wolfram]

Motion approving the Mayor's nomination for reappointment of Andrew Wolfram to the Historic Preservation Commission, Seat No. 2, for a four-year term ending December 31, 2014. (Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101510. Transmittal date - December 1, 2010.)

Motion No. M11-14

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101511 [Appointment, Historic Preservation Commission - Richard Johns]

Motion approving the Mayor's nomination for appointment of Richard Johns to the Historic Preservation Commission, Seat No. 4, for a four-year term ending December 31, 2014. (Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101512. Transmittal date - December 1, 2010.)

Motion No. M11-15

APPROVED by the following vote:

Ayes: 6 - Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 5 - Avalos, Campos, Chiu, Mar, Mirkarimi

101513 [Reappointment, Historic Preservation Commission - Karl Hasz]

Motion approving the Mayor's nomination for reappointment of Karl Hasz to the Historic Preservation Commission, Seat No. 6, for a four-year term ending December 31, 2014. (Clerk of the Board)
(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101514. Transmittal date - December 1, 2010.)

Motion No. M11-16

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101516 [Confirming Appointments, San Francisco Relocation Appeals Board - Harry Kim and Herb Cohn]

Sponsor: Mayor

Resolution confirming the appointments of Harry Kim and Herb Cohn to the San Francisco Relocation Appeals Board, terms ending January 2, 2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101517 [Confirming Appointment, City Hall Preservation Advisory Commission - Florence Kong]

Sponsor: Mayor

Resolution confirming the appointment of Florence Kong to the City Hall Preservation Advisory Commission, term ending January 13, 2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101001 [Liquor License - 191 Pine Street]

Resolution determining that the issuance of a Type 75 on-sale general brew-pub liquor license to Cuong Truong for Champango, LLC, dba Unicorn Pan Asian Restaurant, located at 191 Pine Street (District 3), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101211 [Liquor License - 685 Ellis Street]

Resolution determining that the issuance of a Type 51 beer and wine Club license to Jose Lima for Golden Gate Council of American Youth Hostels, Inc., dba Ivys Place, located at 685 Ellis Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101538 [Accept and Expend Grant - Integrating HIV/Geriatric for People with HIV 50 & Older - $402,596]

Sponsors: Chu; Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $402,596 from the University of California San Francisco to participate in a program entitled "Integrating HIV and Geriatric for People Living with HIV 50 & Older" for the period of December 1, 2010, through November 30, 2011.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101556 [Accept and Expend Gift - Recreation and Park Department Operations - $171,753]

Sponsor: Chu

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift of $171,753 from the San Francisco Parks Trust to support various Recreation and Park Department operations.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110001 [Agreement to Acquire Easement in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]

Resolution approving and authorizing acceptance of a Right of Way Easement deed for a 50-year, exclusive, subsurface easement, at no charge, from United States Department of the Interior, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ace Washington; expressed various concerns.
Josh Wilson; spoke in support of proposed KUSF legislation.
Aaron Swernetz; spoke in support of proposed KUSF legislation.
Lewis Dillon; expressed various concerns.
Tom Murphy; spoke in support of proposed KUSF legislation.
Barbara Kingerry; spoke regarding her phone banking service.
Female Speaker; spoke in support of proposed KUSF legislation.
Male Speaker; spoke in support of proposed KUSF legislation.
Stephen Allen; spoke in support of proposed KUSF legislation.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Joshua Hart; expressed concerns relating to smart meters.
Marilyn Garrett; expressed concerns relating to smart meters.
Jennifer Waits; spoke in support of porposed KUSF legislation.
Harry Duncan; spoke in support of proposed KUSF legislation.
Scott Tolar; spoke in support of proposed KUSF legislation.
Nina Beety; expressed concerns relating to smart meters.
Male Speaker; spoke in support of proposed KUSF legislation.
Dan Everett; expressed various concerns.
Dr. Michelle Shower; expressed various concerns.
Maya Cain; expressed concerns relating to smart meters.
Leslie de Taillandier; expressed concerns relating to smart meters.
Douglas Yep; expressed various concerns.
Karen Kai; spoke in support of Korematsu Day.
Greg Marutani; spoke in support of Korematsu Day.
Emily Murase; spoke in support of Korematsu Day.
Ted Dimely; spoke in support of proposed KUSF legislation.
Morgan; spoke in support of proposed KUSF legislation.
Female Speaker; spoke in support of proposed KUSF legislation.
Male Speaker; spoke in support of proposed KUSF legislation.
Linda Champagne; spoke in support of proposed KUSF legislation.
Ms. Miller; spoke in support of proposed KUSF legislation.
Gina; spoke in support of proposed KUSF legislation.
Male Speaker; expressed various religious concerns.
Lauren Dobson; spoke in support of proposed KUSF legislation.
Jay Jewelaski; spoke in support of proposed KUSF legislation.
Ms. Bouie; expressed concerns relating to the treatment of senior homeless.
Justine Breiger; spoke in support of proposed KUSF legislation.
Lydia Taylor; spoke in support of proposed KUSF legislation.
Stephen Batti; spoke in support of proposed KUSF legislation.
Elizabeth Platt; spoke in support of proposed KUSF legislation.
Stacey; spoke in support of proposed KUSF legislation.

Supervisor Elsbernd was noted absent at 3:27 p.m. and noted present at 3:47 p.m.
Supervisor Farrell was noted absent at 3:43 p.m. and noted present at 3:55 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110031 [Lease - San Francisco Forty Niners Candlestick Park Stadium]

Sponsors: Chiu; Farrell

Resolution authorizing the City Attorney to toll the statute of limitations relating to the Forty Niners' claim under the stadium lease regarding the maintenance and repair of Candlestick Park Stadium for up to 120 days to continue to attempt to negotiate a settlement agreement and lease amendment subject to approval of the those agreements by the Recreation and Park Commission and Board of Supervisors.

ADOPTED

110032 [Accept and Expend Grant - Disproportionate Minority Contact Support Project - $100,000]

Sponsor: Cohen

Resolution authorizing the Juvenile Probation Department to retroactively accept and expend a grant in the amount of $100,000 from the Federal Formula Grants Program for the Disproportionate Minority Contact Support Project, administered by the Corrections Standards Authority, for calendar year 2011, to be used for implementation of a multifaceted approach to disparities reduction, including education, data, and best practice review and community outreach.

ADOPTED

110035 [Suspending Board Rules to Permit the Clerk of the Board to Modify the Timeframes for Preparation of the Board's FY2011-2012 Budget for Submission to the Mayor]

Motion suspending Board Rules 6.23 and 6.24 to permit the Clerk of the Board of Supervisors to modify the timeframes for preparation of the Board's proposed FY2011-2012 budget for submission to the Mayor by waiving the 60 and 15 day timeline requirements; instead a Committee of the Board will conduct a hearing to discuss budget balancing guidelines in January; and that a Committee hearing be conducted for review of the proposed budget prior to submission to the Mayor in February. (Clerk of the Board)

Motion No. M11-18

APPROVED

110038 [Final Map 4400 - 695 San Jose Avenue and 96 29th Street]

Motion approving Final Map 4400, a One Commercial Unit and Four Residential Unit Mixed-Use Condominium Project, located at 695 San Jose Avenue and 96 29th Street being a subdivision of Lot 021 in Assessors Block No. 6597 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-19

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 110033 be severed so that it may be considered separately.

110033 [Fred T. Korematsu Day of Civil Liberties - January 30, 2011]
Sponsors: Mar; Avalos, Campos, Chiu, Chu, Kim and Mirkarimi
Resolution declaring January 30, 2011, as Fred T. Korematsu Day of Civil Liberties.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Cohen requested that File No. 110045 be severed so that it may be considered separately.

110045 [Celebrating the 100th Anniversary of Women's Suffrage in California]
Sponsors: Cohen; Chu, Kim, Campos, Mirkarimi and Avalos
Resolution celebrating 100 years of women's voting rights in the State of California.

Supervisors Campos, Mirkarimi, and Avalos requested to be added as co-sponsors.

Supervisor Cohen, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110021 [Settlement of Lawsuit - Jason Davis - $4,000,000]
Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for $4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

01/06/11; RECEIVED AND ASSIGNED to Rules Committee.

110048 [Settlement of Lawsuit - Timothy J. Chamberlain - City to Pay $65,000]

Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

01/10/11; RECEIVED AND ASSIGNED to Rules Committee.

110049 [Settlement of Lawsuit - Garcia, et al. - City to Pay $191,000 for Easements]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100, to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

01/14/11; RECEIVED AND ASSIGNED to Rules Committee.

110050 [Settlement of Lawsuit - Toni Battle - $105,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for $105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

01/14/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110004 [Mental Health Services Act Contract - Statewide Prevention and Early Intervention - $3,020,400]

Resolution supporting the assignment of the Mental Health Services Act Statewide Prevention and Early Intervention allocation, totaling $3,020,400, to the Joint Powers Authority known as the California Mental Health Services Authoirty. (Public Health Department)

01/04/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110020 [Airport Lease and Operating Agreement - Smarte Carte, Inc.]

Resolution approving the exercise of the last of five one-year options to extend the term of Luggage Cart Lease and Operating Agreement No. 01-0343 between Smarte Carte, Inc. and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

01/04/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110022 [Settlement of Unlitigated Claim - Ronald E. Johnson and Joseph Pasternak - $30,000]

Resolution approving the settlement of the unlitigated claim filed by Ronald E. Johnson and Joseph Pasternak against San Francisco for $30,000; claim was filed on July 14, 2010. (City Attorney)

01/06/11; RECEIVED AND ASSIGNED to Rules Committee.

110051 [Public Auction - Tax-Defaulted Real Property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

01/11/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110052 [Construction Management Contract - Harry Tracy Water Treatment Plant Long Term Improvements Project - Not to Exceed $16,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-919R, Harry Tracy Water Treatment Plant Long Term Improvements Project, Construction Management Services Staff Augmentation, with HDR Engineering, Inc, for an amount not to exceed $16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

01/14/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:06 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 8, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

FEB 14 2011

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 11:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Murase, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of January 4, 2011 (Regular), January 7, 2011 (Special), and January 8, 2011 (Inaugural). The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

101147 [Public Works Code - Establishment of Regulatory Controls for the Discharge of Fats, Oils, and Grease Into Sewers]

Sponsor: Mar

Ordinance amending Article 4.1 of the San Francisco Public Works Code by adding Sections 140 - 140.7 to provide prohibitions, limitations, and requirements for the discharge of fats, oils, and grease into the City's sewerage system by food service establishments.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

101105 [Environment Code - Existing Commercial Buildings Energy Performance]

Sponsors: Mayor; Chiu, Wiener and Mar

Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2000 through 2009, to adopt the San Francisco Existing Commercial Buildings Energy Performance Ordinance, requiring owners of nonresidential buildings to conduct Energy Efficiency Audits of their properties and file Annual Energy Benchmark Summaries for their buildings, and making environmental findings.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110012 [Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $603,888]

Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110071 [Waiver of the Competitive Bidding and Solicitation Requirements for a Contract with Environmental Science Associates for the California Environmental Quality Act Review of the 34th America's Cup Event]

Sponsors: Mayor; Mirkarimi, Chiu, Elsbernd, Farrell, Cohen, Avalos, Wiener and Mar

Ordinance approving a waiver of the competitive bidding and solicitation requirements of Chapter 6 and Chapter 21 of the San Francisco Administrative Code for a contract with Environmental Science Associates for California Environmental Quality Act review of the 34th America's Cup Event and coordinating and developing submittals for associated federal and state permits.

Privilege of the floor was granted to Brad Benson (Port) who responded to questions raised throughout the discussion regarding File No. 110071.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110072 [Accept and Expend Grant - Federal Green Jobs Workforce Development Training Project and Amendment to the Annual Salary Ordinance for FY2010-2011 - $238,000]

Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $238,000 from the United States Department of Labor Employment and Training Administration to fund the Green Jobs Workforce Development Training Project, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 1824 Principal Administrative Analyst at 0.5 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101595 [Sale Agreement - Permanent and Temporary Easements for Highway 84 Improvement Project in Alameda County - $6,000]

Resolution approving and authorizing an agreement for the sale and conveyance of property rights in fee interest, two nonexclusive permanent easements and three temporary easements over portions of Assessor's Parcel Numbers 85A-5400-2-3 and 507-762-005-00 located in Alameda County under the jurisdiction of the San Francisco Public Utilities Commission to State of California acting through its California Department of Transportation for a purchase price of $6,000 which includes $2,500 payment for City and County of San Francisco's administration and legal fees; adopting SFPUC's Resolution 10-0094; further adopting findings that the conveyance is in conformity with the City's General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code; is consistent with the Eight Priority Policies of City Planning Code Section 101.1; adopting that the sale/conveyance is "Categorically Exempt" from environmental review under Class 12-Surplus Government Property Sales under CEQA Guidelines; and authorizing City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110013 [Accept and Expend Grant - Community Services Block Grant - $750,000]

Sponsor: Mayor

Resolution authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a Community Services Block Grant in the amount of $750,000 from the California State Department of Community Services and Development, through the Economic Opportunity Council, to support CityBuild, the Summer Youth Employment Program, and RAMP SF.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

Supervisor Wiener Excused from Voting

Supervisor Campos, seconded by Supervisor Chu, moved that Supervisor Wiener be excused from voting on File No. 101464. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi
Excused: 1 - Wiener

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi
Excused: 1 - Wiener

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from the new controls and payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mirkarimi requested to be added as sponsor.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi
Excused: 1 - Wiener

SPECIAL ORDER 3:00 P.M.

Recommendations of the Budget and Finance Committee

110036 [Adoption of Guidelines for the Establishment and Use of Infrastructure Financing Districts]

Sponsor: Elsbernd

Resolution adopting guidelines for the establishment and use of Infrastructure Financing Districts in the City and County of San Francisco.

Privilege of the floor was granted to Michael Yarne (MOEWD) and Ben Rosenfield, Controller, who provided an overview and responded to questions raised throughout the discussion regarding Infrastructure Financing District No. 1 (Rincon Hill Area).

Supervisor Chiu, seconded by Supervisor Wiener, moved that the accompanying guidelines be AMENDED by adding 'unless non-Port land is included in a Port proposed IFD, in which case only the Port owned and/or managed land is exempt.' The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED, after accepting the amendment to the accompanying guidelines, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101559 [Approving the Infrastructure Financing Plan - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Board of Supervisors Sitting as a Committee of the Whole

110132 [Hearing - Infrastructure Financing District No. 1 - Rincon Hill Area]

Hearing of persons interested in or objecting to the proposed legislation: (1) creating the Infrastructure Financing District and adopting the Infrastructure Financing Plan for Infrastructure Financing District No. 1 (Rincon Hill Area); (2) calling for a special election and declaring the results for the Infrastructure Financing District No. 1 (Rincon Hill Area); and (3) authorizing the issuance of bonds for the Infrastructure Financing District No. 1 (Rincon Hill Area). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to Infrastructure Financing District No. 1 (Rincon Hill Area). James Chaffee; Mark Soloman; Ray Hartz; spoke in opposition of the district. Jamie Whitaker; spoke in support of the district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

Recommendations of the Budget and Finance Committee

101558 [Formation of an Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution proposing the formation of an Infrastructure Financing District for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101562 [Intention to Issue Bonds for the Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution of intention to issue bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101560 [Special Election for the Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution calling for a special election for the City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101561 [Declaring the Results of the Special Election for the Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution declaring the results of special election for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that we were in receipt of 11 ballots, representing 14 votes for the Infrastructure Financing District No. 1 (Rincon Hill Area). Ms. Calvillo further indicated that 100% of the ballots received were in favor of the IFD and the ballot measures have passed by the required percentage.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101557 [Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]

Sponsors: Mayor; Kim

Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101563 [Authorizing Issuance of Bonds for the Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution authorizing the issuance of bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Major Kurt Chew-Een Lee in recognition of his accomplishments surrounding the battle of Chosin during the Korean War.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Barbara Bobbi Lopez and the Mother's of La Voz Latina in recognition of their accomplishments and continued community support.

COMMITTEE REPORTS

Recommendations of the Rules Committee

101576 [Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive $75,000]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons and Sheldon Morris for $45,000 from defendant Alexander A. Deanda and $30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101577 [Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - $270,000]

Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for $270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101592 [Settlement of Lawsuit - Mackin, et al. - City to Pay $63,020 for Easement]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110021 [Settlement of Lawsuit - Jason Davis - $4,000,000]

Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for $4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110050 [Settlement of Lawsuit - Toni Battle - $105,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for $105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110026 [Accept and Expend State Grant - Removal of Abandoned Recreational Watercraft - $15,200]

Sponsor: Chiu

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $15,200 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund, for removal and demolition of abandoned recreational watercraft on the Port's waterfront.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to government.
Damon Espher; spoke in support of proposed KUSF legislation.
Debra Davidson; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; spoke in support of proposed KUSF legislation.
Nick Fell; spoke in support of proposed KUSF legislation.
Male Speaker; expressed various religious concerns.
Irwin Swirnoff; spoke in support of proposed KUSF legislation.
Douglas Yep; expressed various concerns.
Female Speaker; spoke in support of proposed KUSF legislation.
Allen Jones; expressed various concerns.
Dale Seymore; announced an upcoming Tenderloin open house.
Ace Washington; spoke regarding Black American History Month.
Fahim; expressed concerns relating to the homeless and issues facing Taxi cab drivers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110121 [Consolidation of Special Municipal Election with Special Statewide Election Anticipated for June 7, 2011]

Sponsor: Chiu

Resolution calling a Special Municipal Election for June 7, 2011, and consolidating that election with the Statewide Special Election anticipated to be held on the same date.

ADOPTED

110122 [Commending The De Marillac Academy]

Sponsors: Elsbernd; Kim, Farrell and Campos

Resolution commending The De Marillac Academy on the occasion of its tenth anniversary and commending the Academy on its outstanding educational work.

Supervisors Farrell and Campos requested to be added as co-sponsors.

ADOPTED

110123 [Approving a 90-Day Extension for Planning Commission Review of Parking Controls in SoMa and Mission Bay]

Sponsor: Kim

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend the San Francisco Planning Code Sections 151, 151.1, 155, 161, 249.1, 249.23, and Part VII of Article 9 to: (1) remove minimum parking requirements and establish maximum parking limits in M-1, C-M, and South of Market districts and the Folsom and Main Residential/Commercial and Fourth and Freelon Streets Special Use Districts to make them consistent with those of neighboring districts; (2) require that non-residential and non-hotel parking in C-3 in the South of Market Mixed Use districts adjacent to Downtown maintain a fee structure which discourages long-term commuter parking; and (3) make parking controls in the Mission Bay Districts that are subject to the Planning Code consistent with requirements of neighboring districts; and making environmental findings, General Plan findings, and other required findings.

ADOPTED

110124 [Condemning Rush Limbaugh for Mocking Chinese President Hu Jintao]

Sponsors: Mar; Avalos, Chu, Campos, Chiu, Kim and Cohen

Resolution condemning Rush Limbaugh for mocking the Chinese language and Chinese President Hu Jintao on his radio show on January 19, 2011.

ADOPTED

110125 [Apply for Department of Forestry and Fire Protection Grant for Fruit Bearing Trees]

Sponsor: Mayor

Resolution authorizing the Department of the Environment for the City and County of San Francisco to apply for funding from the Department of Forestry and Fire Protection (CalFire) as provided through Propositions 40 and 84 for a project to plant fruit bearing trees on appropriate City land.

ADOPTED

110126 [Accept and Expend Grant - Implementation of Programs for the Prevention, Care, and Treatment of HIV/AIDS - $13,001]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $13,001 from the University of California San Francisco to participate in a program entitled "Implementation of Programs for the Prevention, Care, and Treatment of HIV/AIDS" for the period of July 1, 2010, through June 30, 2011.

ADOPTED

110127 [Accept and Expend Grant - Western States Node of the National Drug Abuse Treatment Clinical Trials Network - $16,876]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $16,876 from the University of California San Francisco to participate in a program entitled "Western States Node of the National Drug Abuse Treatment Clinical Trials Network" for the period of September 1, 2010, through August 31, 2011.

ADOPTED

110128 [Accept and Expend Grant - Integrating I-Tech International AIDS Education and Training Center - $20,682]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $20,682 from the University of California San Francisco to participate in a program entitled "Integrating I-Tech International AIDS Education and Training Center" for the period of April 1, 2010, through March 31, 2011.

ADOPTED

110129 [Accept and Expend Grant - Risk Reduction Project - $27,287]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of $27,287 from the Public Health Foundation Enterprises, Inc., to participate in a program entitled "Risk Reduction Project" for the period of August 1, 2010, through July 14, 2012.

ADOPTED

110118 [Opposing the Metropolitan Transportation Commission's Proposal to Add Voting Members Representing Urban Areas]

Sponsors: Wiener; Campos and Avalos

Resolution opposing the Metropolitan Transportation Commission's proposal to add voting members representing urban areas but excluding San Francisco and other large Bay Area cities, and urging the California State Legislature to oppose the proposal.

Supervisors Campos and Avalos requested to be added as co-sponsors.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File No. 110100 be severed so that it may be considered separately.

110100 [Opposing the Sale of KUSF's FCC License to Broadcast on 90.3 FM]

Sponsors: Mirkarimi; Mar

Resolution recognizing the long and valuable public service of radio station KUSF, opposing the sale of KUSF's FCC license to broadcast on 90.3 FM, requesting the USF Board of Regents to rescind the decision to transfer KUSF's license and reinstate KUSF programming, and urging San Francisco's Federal representatives to express their opposition to KUSF's sale to the Federal Communications Commission.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

Supervisor Wiener requested that File No. 110119 be severed so that it may be considered separately.

110119 [Supporting Local 87 Janitors at 1 South Van Ness Avenue]

Sponsors: Wiener; Kim, Chiu, Avalos, Cohen, Campos and Mirkarimi

Resolution supporting reinstating the Janitors who have worked at 1 South Van Ness Avenue represented by Local 87.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisors Campos and Mirkarimi requested to be added as co-sponsors.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

The President inquired as to whether any member of the public wished to address the Board relating to Financial Aid Awareness Week as referenced in File No. 110149. There were no speakers. The President declared public comment closed.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Campos, seconded by Supervisor Mar, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Campos, seconded by Supervisor Mar, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110149 [Financial Aid Awareness Week - February 6-12, 2011]
Sponsors: Campos; Avalos, Cohen, Chu, Farrell, Kim, Mar and Chiu
Resolution declaring February 6-12, 2011, as Financial Aid Awareness Week.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110107 [Settlement of Lawsuit - Paul Graham - $34,271.51]
Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for $34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

01/27/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110108 [Settlement of Unlitigated Claim - John Payne - $220,229]
Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for $220,229; claim including grievance was filed on July 9, 2010. (City Attorney)

01/28/11; RECEIVED AND ASSIGNED to Rules Committee.

110109 [Airport Lease Agreement - China Airlines, Ltd. - Building 648]
Resolution approving and authorizing the execution of Lease No. 10-0347 with China Airlines, Ltd. for cargo warehouse and support office space to be occupied by China Airlines, Ltd. in Building 648 at San Francisco International Airport.

01/28/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:51 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

FEB 17 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, February 15, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 11:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of January 11, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations the Budget and Finance Committee

110012 [Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $603,888]
Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

FINALLY PASSED

110071 [Waiver of the Competitive Bidding and Solicitation Requirements for a Contract with Environmental Science Associates for the California Environmental Quality Act Review of the 34th America's Cup Event]

Sponsors: Mayor; Mirkarimi, Chiu, Elsbernd, Farrell, Cohen, Avalos, Wiener and Mar

Ordinance approving a waiver of the competitive bidding and solicitation requirements of Chapter 6 and Chapter 21 of the San Francisco Administrative Code for a contract with Environmental Science Associates for California Environmental Quality Act review of the 34th America's Cup Event and coordinating and developing submittals for associated federal and state permits.

FINALLY PASSED

110072 [Accept and Expend Grant - Federal Green Jobs Workforce Development Training Project and Amendment to the Annual Salary Ordinance for FY2010-2011 - $238,000]

Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $238,000 from the United States Department of Labor Employment and Training Administration to fund the Green Jobs Workforce Development Training Project, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 1824 Principal Administrative Analyst at 0.5 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

FINALLY PASSED

101557 [Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]

Sponsors: Mayor; Kim

Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area). (Fiscal Impact.)

FINALLY PASSED

Recommendations of the Rules Committee

101576 [Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive $75,000]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons, and Sheldon Morris for $45,000 from defendant Alexander A. Deanda and $30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney)

FINALLY PASSED

101577 [Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - $270,000]

Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for $270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

101592 [Settlement of Lawsuit - Mackin, et al. - $63,020]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

FINALLY PASSED

110021 [Settlement of Lawsuit - Jason Davis - $4,000,000]

Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for $4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

110050 [Settlement of Lawsuit - Toni Battle - $105,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for $105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

Supervisor Wiener Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that Supervisor Wiener be excused from voting on File No. 101464. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi
Excused: 1 - Wiener

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]
Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from the new controls and payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi
Excused: 1 - Wiener

101522 [Public Works Code - Handbill Distribution]
Sponsor: Chiu

Ordinance amending the San Francisco Public Works Code by amending Sections 184.69, 184.70, and 184.72 to ban distribution of handbills on private premises unless the handbills are securely placed upon or attached to and do not damage the premises, specifying a minimum of 30-point font size for "No Handbills" signs, and replacing criminal penalties for unlawful distribution of handbills with administrative penalties, and making environmental findings.

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101124 [Appropriating $528,774 of Certificate of Participation Proceeds for Disability Access Improvement Projects and Relocation Costs in the Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $528,774 of Certificate of Participation Series 2011A proceeds, including $477,732 to fund disability access improvements and $51,042 for temporary relocation costs in the Board of Supervisors chambers for the Mayor's Office on Disability in the General Services Agency, Administrative Services, for FY2010-2011 and placing $528,774 on Controller's reserve pending issuance of Certificate of Participation and $51,042 on Budget and Finance Committee Reserve pending submission of the cost details for the temporary relocation of the Board of Supervisors meetings by the Department of Technology and General Services Agency. (Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

110069 [Administrative Code - Health Service System Plans and Contribution Rates for FY2011-2012]

Sponsor: Chu

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1 by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101431 [Lease - Portsmouth Plaza Parking Corporation - Portsmouth Square Garage Operations]

Sponsor: Chiu

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Portsmouth Plaza Parking Corporation for the operation of the Portsmouth Square Garage.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101479 [Sale of Surplus Property - 909 Tennessee Street - $1,310,000]

Resolution approving the sale of an improved surplus property located at 909 Tennessee Street, within Lot No. 001, Block No. 4108, City and County of San Francisco, to the highest responsible cash bidder for a purchase price of not less than $1,310,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101481 [Contract Amendment - Ambulance Billing - $20,000,000]

Resolution authorizing the San Francisco Fire Department to amend the Department's ambulance billing contract with ADPI West, Inc., that anticipates approximately $20,000,000 per year in revenues, authorize the first two-year contract extension; retroactively approve the first contract extension to July 1, 2010, and at the Department's discretion authorize the Department to exercise the second two-year extension for the contract. (Fire Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101502 [Professional Services Agreement - Terminal 2/Boarding Area D Renovations - Not to Exceed $16,850,000]

Resolution approving Modification No. 5 to the Professional Services Agreement for Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities in the amount of $1,710,000 for a new total contract amount not to exceed $16,850,000. (Airport Commission)

Privilege of the floor was granted to Harvey Rose, Budget and Legislative Analyst, and Cathy Widener (SFO) who responded to questions raised throughout the discussion regarding File No. 101502.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110020 [Airport Lease and Operating Agreement - Smarte Carte, Inc.]

Resolution approving the exercise of the last of five one-year options to extend the term of Luggage Cart Lease and Operating Agreement No. 01-0343 between Smarte Carte, Inc. and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission) (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110052 [Construction Management Contract - Harry Tracy Water Treatment Plant Long Term Improvements Project - Not to Exceed $16,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-919R, Harry Tracy Water Treatment Plant Long Term Improvements Project, Construction Management Services Staff Augmentation, with HDR Engineering, Inc, for an amount not to exceed $16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110076 [Establishing Monthly Contribution Amount to the Health Service Trust Fund]

Sponsor: Chu

Resolution establishing monthly contribution amount to the Health Service Trust Fund.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Public Safety Committee

101120 [Police Code - Discharge of Firearms; Fireworks]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506, to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110037 [Confirming Appointment, San Francisco Relocation Appeals Board - Paul Kelly]

Sponsor: Mayor

Motion confirming the appointment of Paul Kelly to the San Francisco Relocation Appeals Board, for the unexpired portion of a three-year term ending January 2, 2012.
(Supervisor Kim dissented in Committee.)

President Chiu acknowledged receipt of a letter dated February 15, 2011, from Mayor Lee indicating the withdrawl of the appointment of Paul Kelly to the Relocation Appeals Board.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Black History Month, their accomplishments, and their continued community support as referenced below:

Supervisor Avalos recognized Deloris McGee;
Supervisor Cohen recognized Desmond Bishop;
Supervisor Campos recognized Alicia Garza (POWER);
Supervisor Wiener recognized Annie Shynebaugh;
Supervisor Elsbernd recognized Alice Guidry;
Supervisor Kim recognized Victor Nelson and Jazzie Collins;
Supervisor Mirkarimi recognized Linda Yoakum, Carmen Johnson, Marva Brooks, and Abraham Landry (Dr. Martin Luther King/ Marcus Garvey Cooperative Housing Development Board Members);
Supervisor Chu recognized Lainie McDuffie;
Supervisor Chiu recognized Allen Smith;
Supervisor Farrel recognized Leona M. Bridges; and
Supervisor Mar recognized Nino Parker.

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that Supervisor Elsbernd be excused from voting on File Nos. 110041, 110042, 110043, and 110044. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110041 [Appeal of Determination of Exemption from Environmental Review - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]
Hearing of persons interested in or objecting to the decision of the Planning Department dated June 8, 2009, Case No. 2008.0558E, that a project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review under Categorical Exemption, Classes 1 and 3 (State Guidelines Sections 15301(l)(4) and 15303(a)). The proposed project involves the subdivision of two existing lots into four and the construction of three new single-family homes fronting on Los Palmos Drive, Lot Nos. 116 and 117 in Assessor's Block No. 3027A. (District 7) (Appellant: Stephen M. Williams, on behalf of the Miraloma Park Improvement Club).
(Filed January 7, 2011; Companion Measure to File Nos. 110042, 110043. 110044.)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Hearing be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Hearing be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President CONTINUED the Hearing open to March 22, 2011.

110042 [Affirming the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion affirming the determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110043 [Reversing the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion reversing the determination by the Planning Department and Commission that the 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive project is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110044 [Preparation of Findings to Reverse the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

COMMITTEE REPORTS

Recommendation from the Government Audit and Oversight Committee

110073 [Agreement - Owners' Association for Administration/Management of Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Mission Miracle Mile Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations from the Rules Committee

Supervisor Avalos Excused from Voting

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that Supervisor Avalos be excused from voting on File No. 110133. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110133 [Appointment, Bay Area Air Quality Management District - Supervisor John Avalos]
Motion appointing Supervisor John Avalos, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Supervisor Kim Excused from Voting

Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Kim be excused from voting on File No. 110136. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Excused: 1 - Kim

110136 [Appointment, Transbay Joint Powers Authority - Supervisor Jane Kim]
Motion appointing Supervisor Jane Kim to the Transbay Joint Powers Authority. (Clerk of the Board)

Motion No. M11-21

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Excused: 1 - Kim

Supervisor Mar Excused from Voting

Supervisor Chu, seconded by Supervisor Campos, moved that Supervisor Mar be excused from voting on File No. 110135. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

110135 [Appointment, Urban Counties Caucus - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending December 31, 2012, to the Urban Counties Caucus. (Clerk of the Board)

Motion No. M11-22

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

Supervisors Campos, Chu, Elsbernd, and Mar Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that Supervisors Campos, Chu, Elsbernd, and Mar be excused from voting on File No. 110137. The motion carried by the following vote:

Ayes: 7 - Avalos, Chiu, Cohen, Farrell, Kim, Mirkarimi, Wiener
Excused: 4 - Campos, Chu, Elsbernd, Mar

110137 [Appointments, Golden Gate Bridge, Highway and Transportation District - Supervisors Sean Elsbernd, Carmen Chu, David Campos and Eric Mar]

Motion appointing Supervisors Sean Elsbernd, Carmen Chu, David Campos, and Eric Mar, terms ending January 31, 2013, to the Board of Directors, Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Motion No. M11-23

APPROVED by the following vote:

Ayes: 7 - Avalos, Chiu, Cohen, Farrell, Kim, Mirkarimi, Wiener
Excused: 4 - Campos, Chu, Elsbernd, Mar

101493 [Charter Amendment - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be DUPLICATED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

See duplicated File No. 110181.

101493 [Charter Amendment - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED to a Committee of the Whole on March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110181 [Charter Amendment - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101493 [Charter Amendment - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED to a Committee of the Whole on March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations from the City Operations and Neighborhood Services Committee

101287 [Liquor License - 1005 Minnesota Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license and the transfer of a Type 20 off-sale beer and wine license from Ferry Building, Market Place, Unit 33, the Embarcadero, to Wayne Garcia, for DIGWines, LLC, located at 1005 Minnesota Street (District 10), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110074 [MUNI Youth Lifeline Discount Fast Pass Program Changes]

Sponsors: Campos; Mirkarimi, Avalos, Cohen, Kim, Mar and Chiu

Resolution urging the San Francisco Municipal Transportation Agency to adopt changes to the Youth Lifeline Discount Fast Pass Program for qualified low-income youth.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Cohen was noted absent at 2:51 p.m., and noted present at 2:57 p.m.
Supervisor Cohen was noted absent at 3:05 p.m., and noted present at 3:17 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Male Speaker; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Mrs. Booey; expressed various concerns relating to the senior homeless community.
Male Speaker; expressed various religious concerns.
Ray Hartz; expressed concerns relating to government.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns.
Male Speaker; expressed various concerns.
Herbert Weiner; expressed concerns relating to pension reform.
Male Speaker; expressed concerns relating to payroll taxes.
Peter Warfield; expressed concerns relating to the SF Public Library.
Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110161 [Accept and Expend Grant - Installation of Rubber Sidewalks - Not to Exceed $12,600]

Sponsor: Cohen

Resolution authorizing the Department of Public Works to apply for grant funds in the amount up to, but not to exceed, $12,600 from the California Department of Resources Recycling and Recovery, Tire-Derived Product Grant Program for the purpose of installing rubber sidewalks and preserving mature trees.

ADOPTED

110162 [Oliver W. Sipple Day - September 22, 2011]

Sponsors: Campos; Wiener

Resolution declaring September 22, 2011, as Oliver W. Sipple Day in San Francisco to honor a gay American hero, who on September 22, 1975, saved the life of President Gerald Ford outside of St. Francis Hotel in Union Square in San Francisco.

ADOPTED

110171 [Park Branch Library Reopening]

Sponsor: Mirkarimi

Resolution recognizing the grand reopening of the Park Branch Library and commending the San Francisco Public Library, and its team, for their hard work and commitment to San Francisco and its residents.

ADOPTED

110167 [Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.1 Concerning the Budget and Finance Committee Structure]

Sponsor: Chu

Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.1 to amend the date the Budget and Finance Committee expands to five members and the date the three member subcommittee is established from April 1 to March 1.

Motion No. M11-24

APPROVED

110172 [Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.7 Extending the Joint City and School District Committee for One Year Ending March 1, 2012]

Sponsor: Cohen

Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.7 to extend the term of the Joint City and School District Select Committee for one year ending March 1, 2012.

Motion No. M11-25

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 110170 be severed so that it may be considered separately.

110170 [Protect Proposition 10 Funding]

Sponsors: Mar; Campos

Resolution urging the Governor of California to protect Proposition 10 County funding by not sweeping $1,000,000,000 in Prop 10 funds from local First 5 Commissions reserves, and urging a permanent diversion of 50% of all future Prop 10 revenues.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Resolution be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110146 [Settlement of Lawsuit - Liberato Primer, Jr. - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr. against the City and County of San Francisco for $125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

02/01/11; RECEIVED AND ASSIGNED to Rules Committee.

110147 [General Plan Amendment - Mission District Streetscape Plan]

Ordinance amending the San Francisco General Plan by amending Policy 5.3.7 of the Mission Area Plan to reflect the adoption of the Mission District Streetscape Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

02/03/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/17/2011.

PROPOSED RESOLUTIONS

110148 [Approval of Lease with ParkWide Activities, LLC - Master Bike Rental Concession Operation]

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with ParkWide Activities, LLC, for the operation of a Master Bike Rental Concession in City Parks. (Recreation and Park Department)

02/07/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:30 p.m.

*Revised 2/16/11

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

FEB 23 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, February 15, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 11:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbemd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of January 11, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations the Budget and Finance Committee

110012 [Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $603,888]

Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

FINALLY PASSED

110071 [Waiver of the Competitive Bidding and Solicitation Requirements for a Contract with Environmental Science Associates for the California Environmental Quality Act Review of the 34th America's Cup Event]

Sponsors: Mayor; Mirkarimi, Chiu, Elsbernd, Farrell, Cohen, Avalos, Wiener and Mar

Ordinance approving a waiver of the competitive bidding and solicitation requirements of Chapter 6 and Chapter 21 of the San Francisco Administrative Code for a contract with Environmental Science Associates for California Environmental Quality Act review of the 34th America's Cup Event and coordinating and developing submittals for associated federal and state permits.

FINALLY PASSED

110072 [Accept and Expend Grant - Federal Green Jobs Workforce Development Training Project and Amendment to the Annual Salary Ordinance for FY2010-2011 - $238,000]

Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $238,000 from the United States Department of Labor Employment and Training Administration to fund the Green Jobs Workforce Development Training Project, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 1824 Principal Administrative Analyst at 0.5 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

FINALLY PASSED

101557 [Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]

Sponsors: Mayor; Kim

Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area). (Fiscal Impact.)

FINALLY PASSED

Recommendations of the Rules Committee

101576 [Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive $75,000]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons, and Sheldon Morris for $45,000 from defendant Alexander A. Deanda and $30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney)

FINALLY PASSED

101577 [Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - $270,000]

Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for $270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

101592 [Settlement of Lawsuit - Mackin, et al. - $63,020]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

FINALLY PASSED

110021 [Settlement of Lawsuit - Jason Davis - $4,000,000]

Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for $4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

110050 [Settlement of Lawsuit - Toni Battle - $105,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for $105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

Supervisor Wiener Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that Supervisor Wiener be excused from voting on File No. 101464. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi
Excused: 1 - Wiener

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from the new controls and payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi
Excused: 1 - Wiener

101522 [Public Works Code - Handbill Distribution]

Sponsor: Chiu

Ordinance amending the San Francisco Public Works Code by amending Sections 184.69, 184.70, and 184.72 to ban distribution of handbills on private premises unless the handbills are securely placed upon or attached to and do not damage the premises, specifying a minimum of 30-point font size for "No Handbills" signs, and replacing criminal penalties for unlawful distribution of handbills with administrative penalties, and making environmental findings.

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101124 [Appropriating $528,774 of Certificate of Participation Proceeds for Disability Access Improvement Projects and Relocation Costs in the Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $528,774 of Certificate of Participation Series 2011A proceeds, including $477,732 to fund disability access improvements and $51,042 for temporary relocation costs in the Board of Supervisors chambers for the Mayor's Office on Disability in the General Services Agency, Administrative Services, for FY2010-2011 and placing $528,774 on Controller's reserve pending issuance of Certificate of Participation and $51,042 on Budget and Finance Committee Reserve pending submission of the cost details for the temporary relocation of the Board of Supervisors meetings by the Department of Technology and General Services Agency. (Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

110069 [Administrative Code - Health Service System Plans and Contribution Rates for FY2011-2012]

Sponsor: Chu

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1 by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101431 [Lease - Portsmouth Plaza Parking Corporation - Portsmouth Square Garage Operations]

Sponsor: Chiu

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Portsmouth Plaza Parking Corporation for the operation of the Portsmouth Square Garage.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101479 [Sale of Surplus Property - 909 Tennessee Street - $1,310,000]

Resolution approving the sale of an improved surplus property located at 909 Tennessee Street, within Lot No. 001, Block No. 4108, City and County of San Francisco, to the highest responsible cash bidder for a purchase price of not less than $1,310,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101481 [Contract Amendment - Ambulance Billing - $20,000,000]

Resolution authorizing the San Francisco Fire Department to amend the Department's ambulance billing contract with ADPI West, Inc., that anticipates approximately $20,000,000 per year in revenues, authorize the first two-year contract extension; retroactively approve the first contract extension to July 1, 2010, and at the Department's discretion authorize the Department to exercise the second two-year extension for the contract. (Fire Department)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101502 [Professional Services Agreement - Terminal 2/Boarding Area D Renovations - Not to Exceed $16,850,000]

Resolution approving Modification No. 5 to the Professional Services Agreement for Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities in the amount of $1,710,000 for a new total contract amount not to exceed $16,850,000. (Airport Commission)

Privilege of the floor was granted to Harvey Rose, Budget and Legislative Analyst, and Cathy Widener (SFO) who responded to questions raised throughout the discussion regarding File No. 101502.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110020 [Airport Lease and Operating Agreement - Smarte Carte, Inc.]

Resolution approving the exercise of the last of five one-year options to extend the term of Luggage Cart Lease and Operating Agreement No. 01-0343 between Smarte Carte, Inc. and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission) (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110052 [Construction Management Contract - Harry Tracy Water Treatment Plant Long Term Improvements Project - Not to Exceed $16,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-919R, Harry Tracy Water Treatment Plant Long Term Improvements Project, Construction Management Services Staff Augmentation, with HDR Engineering, Inc, for an amount not to exceed $16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110076 [Establishing Monthly Contribution Amount to the Health Service Trust Fund]

Sponsor: Chu

Resolution establishing monthly contribution amount to the Health Service Trust Fund.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Public Safety Committee

101120 [Police Code - Discharge of Firearms; Fireworks]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506, to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110037 [Confirming Appointment, San Francisco Relocation Appeals Board - Paul Kelly]

Sponsor: Mayor

Motion confirming the appointment of Paul Kelly to the San Francisco Relocation Appeals Board, for the unexpired portion of a three-year term ending January 2, 2012.
(Supervisor Kim dissented in Committee.)

President Chiu acknowledged receipt of a letter dated February 15, 2011, from Mayor Lee indicating the withdrawl of the appointment of Paul Kelly to the Relocation Appeals Board.

Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Black History Month, their accomplishments, and their continued community support as referenced below:

Supervisor Avalos recognized Deloris McGee;
Supervisor Cohen recognized Desmond Bishop;
Supervisor Campos recognized Alicia Garza (POWER);
Supervisor Wiener recognized Annie Shynebaugh;
Supervisor Elsbernd recognized Alice Guidry;
Supervisor Kim recognized Victor Nelson and Jazzie Collins;
Supervisor Mirkarimi recognized Linda Yoakum, Carmen Johnson, Marva Brooks, and Abraham Landry (Dr. Martin Luther King/ Marcus Garvey Cooperative Housing Development Board Members);
Supervisor Chu recognized Lainie McDuffie;
Supervisor Chiu recognized Allen Smith;
Supervisor Farrel recognized Leona M. Bridges; and
Supervisor Mar recognized Nino Parker.

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that Supervisor Elsbernd be excused from voting on File Nos. 110041, 110042, 110043, and 110044. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110041 [Appeal of Determination of Exemption from Environmental Review - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 8, 2009, Case No. 2008.0558E, that a project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review under Categorical Exemption, Classes 1 and 3 (State Guidelines Sections 15301(l)(4) and 15303(a)). The proposed project involves the subdivision of two existing lots into four and the construction of three new single-family homes fronting on Los Palmos Drive, Lot Nos. 116 and 117 in Assessor's Block No. 3027A. (District 7) (Appellant: Stephen M. Williams, on behalf of the Miraloma Park Improvement Club).

(Filed January 7, 2011; Companion Measure to File Nos. 110042, 110043. 110044.)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Hearing be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Hearing be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President CONTINUED the Hearing open to March 22, 2011.

110042 [Affirming the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion affirming the determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell; Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110043 [Reversing the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion reversing the determination by the Planning Department and Commission that the 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive project is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110044 [Preparation of Findings to Reverse the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

Supervisor Wiener, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Male Speaker; expressed various comments. There were no other speakers.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Motion be CONTINUED to March 22, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

COMMITTEE REPORTS

Recommendation from the Government Audit and Oversight Committee

110073 [Agreement - Owners' Association for Administration/Management of Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Mission Miracle Mile Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations from the Rules Committee

Supervisor Avalos Excused from Voting

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that Supervisor Avalos be excused from voting on File No. 110133. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110133 [Appointment, Bay Area Air Quality Management District - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Supervisor Kim Excused from Voting

Supervisor Campos, seconded by Supervisor Farrell, moved that Supervisor Kim be excused from voting on File No. 110136. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Excused: 1 - Kim

110136 [Appointment, Transbay Joint Powers Authority - Supervisor Jane Kim]

Motion appointing Supervisor Jane Kim to the Transbay Joint Powers Authority. (Clerk of the Board)

Motion No. M11-21

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Excused: 1 - Kim

Supervisor Mar Excused from Voting

Supervisor Chu, seconded by Supervisor Campos, moved that Supervisor Mar be excused from voting on File No. 110135. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

110135 [Appointment, Urban Counties Caucus - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending December 31, 2012, to the Urban Counties Caucus. (Clerk of the Board)

Motion No. M11-22

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

Supervisors Campos, Chu, Elsbernd, and Mar Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that Supervisors Campos, Chu, Elsbernd, and Mar be excused from voting on File No. 110137. The motion carried by the following vote:

Ayes: 7 - Avalos, Chiu, Cohen, Farrell, Kim, Mirkarimi, Wiener
Excused: 4 - Campos, Chu, Elsbernd, Mar

110137 [Appointments, Golden Gate Bridge, Highway and Transportation District - Supervisors Sean Elsbernd, Carmen Chu, David Campos and Eric Mar]

Motion appointing Supervisors Sean Elsbernd, Carmen Chu, David Campos, and Eric Mar, terms ending January 31, 2013, to the Board of Directors, Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Motion No. M11-23

APPROVED by the following vote:

Ayes: 7 - Avalos, Chiu, Cohen, Farrell, Kim, Mirkarimi, Wiener
Excused: 4 - Campos, Chu, Elsbernd, Mar

* 101493 [Charter Amendment - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be DUPLICATED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

See duplicated File No. 110181

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED to a Committee of the Whole on March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

* **110181 [Charter Amendment - Compensation of Board of Education Members]**
Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to authorize the Board of Education to set the compensation for its members, not to exceed one-half the annual salary of a first-year teacher in the San Francisco Unified School District, and to establish training and professional development requirements for Board of Education members.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED to a Committee of the Whole on March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations from the City Operations and Neighborhood Services Committee

101287 [Liquor License - 1005 Minnesota Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license and the transfer of a Type 20 off-sale beer and wine license from Ferry Building, Market Place, Unit 33, the Embarcadero, to Wayne Garcia, for DIGWines, LLC, located at 1005 Minnesota Street (District 10), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110074 [MUNI Youth Lifeline Discount Fast Pass Program Changes]
Sponsors: Campos; Mirkarimi, Avalos, Cohen, Kim, Mar and Chiu

Resolution urging the San Francisco Municipal Transportation Agency to adopt changes to the Youth Lifeline Discount Fast Pass Program for qualified low-income youth.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Cohen was noted absent at 2:51 p.m., and noted present at 2:57 p.m.
Supervisor Cohen was noted absent at 3:05 p.m., and noted present at 3:17 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
Male Speaker; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Mrs. Booey; expressed various concerns relating to the senior homeless community.
Male Speaker; expressed various religious concerns.
Ray Hartz; expressed concerns relating to government.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns.
Male Speaker; expressed various concerns.
Herbert Weiner; expressed concerns relating to pension reform.
Male Speaker; expressed concerns relating to payroll taxes.
Peter Warfield; expressed concerns relating to the SF Public Library.
Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110161 [Accept and Expend Grant - Installation of Rubber Sidewalks - Not to Exceed $12,600]

Sponsor: Cohen

Resolution authorizing the Department of Public Works to apply for grant funds in the amount up to, but not to exceed, $12,600 from the California Department of Resources Recycling and Recovery, Tire-Derived Product Grant Program for the purpose of installing rubber sidewalks and preserving mature trees.

ADOPTED

110162 [Oliver W. Sipple Day - September 22, 2011]

Sponsors: Campos; Wiener

Resolution declaring September 22, 2011, as Oliver W. Sipple Day in San Francisco to honor a gay American hero, who on September 22, 1975, saved the life of President Gerald Ford outside of St. Francis Hotel in Union Square in San Francisco.

ADOPTED

110171 [Park Branch Library Reopening]

Sponsor: Mirkarimi

Resolution recognizing the grand reopening of the Park Branch Library and commending the San Francisco Public Library, and its team, for their hard work and commitment to San Francisco and its residents.

ADOPTED

110167 [Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.1 Concerning the Budget and Finance Committee Structure]

Sponsor: Chu

Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.1 to amend the date the Budget and Finance Committee expands to five members and the date the three member subcommittee is established from April 1 to March 1.

Motion No. M11-24

APPROVED

110172 [Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.7 Extending the Joint City and School District Committee for One Year Ending March 1, 2012]

Sponsor: Cohen

Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.7 to extend the term of the Joint City and School District Select Committee for one year ending March 1, 2012.

Motion No. M11-25

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 110170 be severed so that it may be considered separately.

110170 [Protect Proposition 10 Funding]

Sponsors: Mar; Campos

Resolution urging the Governor of California to protect Proposition 10 County funding by not sweeping $1,000,000,000 in Prop 10 funds from local First 5 Commissions reserves, and urging a permanent diversion of 50% of all future Prop 10 revenues.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Resolution be CONTINUED to March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

110182 [Police Code, Administrative Code - Displaced Worker Protections - Certain Employees; Prevailing Wage Protections - Janitorial Employees]

Sponsor: Chiu

Ordinance amending Police Code Sections 3300C.1, 3300C.3, 3300C.5, and 3300C.6 to impose a lower (ten-employee) threshold for City contractors subject to the Displaced Worker Ordinance, and to provide enforcement and rulemaking powers to the Office of Labor Standards Enforcement as to City contractors subject to the Act; and amending Administrative Code Section 21.25-1 to expand coverage of the prevailing wage ordinance regarding janitors to City contractors regardless of size.

02/15/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/17/2011.

110183 [Accept and Expend Grant - Broadband Technology Opportunities Program and Amendment to the Annual Salary Ordinance, FY2010-2011 - $7,931,632]

Sponsors: Mayor; Chiu

Ordinance authorizing the Department of Technology to accept and expend a grant in the amount of $7,931,632 from the U.S. Department of Commerce through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) Broadband Technology Opportunities Program for Sustainable Broadband Adoption Training and Services, and amending the Annual Salary Ordinance FY2010-2011 (Number 191-10) to reflect the addition of two (2) grant-funded positions for the Department of Aging and Adult Services in Class 1823 Senior Administrative Analyst, and four (4) grant-funded positions for the Department of Technology as follows: one position in Class 1823 Senior Administrative Analyst; one position in Class 1844 Senior Management Assistant; one position in Class 1766 Media Production Technician; and one position in Class 1769 Media Production Supervisor.

02/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110184 [De-Appropriating $15,479,251 of Market Rate Bond Proceeds and Re-Appropriating to Below Market Rate for the Seismic Safety Loan Program for FY2010-2011]

Sponsor: Mayor

Ordinance de-appropriating $15,479,251 of Market Rate General Obligation Bond Proceeds, Series 2007A, and re-appropriating $15,479,251 to the Below Market Rate Seismic Safety Loan Program in the Mayor's Office of Housing for FY2010-2011 and maintaining on Controller's reserve the appropriation equal to the unsold portion of the bonds.

02/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110113 [Appropriating $195,176 of General Fund Property Transfer Tax and Reducing Botanical Garden Fee Revenue for FY2010-2011]

Sponsor: Avalos

Ordinance appropriating $195,176 of General Fund from new property transfer tax and reducing botanical garden fee revenues, which will be rescinded as of March 17, 2011, in the Department of Recreation and Park for FY2010-2011.

02/01/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

02/08/11; REFERRED TO DEPARTMENT.

02/15/11; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

110068 [Administrative Code - Rewards to Informants for Information Related to the Detection of Underpayment of Property Tax]

Sponsor: Chiu

Ordinance amending Chapter 10 of the San Francisco Administrative Code by amending Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of
underpayment of tax owed to the City and County of San Francisco.

01/25/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/24/2011.

02/01/11; REFERRED TO DEPARTMENT.

02/15/11; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

Resolutions

110185 [Reciprocal Easement Agreement - Property Located at 150 Otis Street and 170 Otis Street]

Sponsor: Chiu

Resolution approving and authorizing a reciprocal easement agreement for the conveyance of easements over portions of City-owned Property located at 150 Otis Street and 170 Otis Street, required as part of the long term ground lease to 150 Otis Associates, L.P., under San Francisco Charter Section 9.118, for the development and operation of affordable housing; adopting findings that the conveyance is in conformance with CEQA, the City's General Plan, and the priority policies of Planning Code Section 101.1; and authorizing City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.

02/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110186 [Recycling Program]

Sponsors: Mirkarimi; Avalos, Mar and Campos

Resolution requesting the Recreation and Parks Department and the Department of the Environment collaborate to establish a comprehensive Parks recycling program utilizing the expertise, volunteer base and facilities of the HANC Recycling Center in Golden Gate Park, for the Department of the Environment to establish an Independent Recycling Center Master Plan, and requesting the Recreation and Parks Department to rescind the eviction of the HANC Recycling Center from Golden Gate Park.

02/15/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110187 [CEQA Findings - Public Utilities Commission Calaveras Dam Replacement Project]

Sponsor: Elsbernd

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Water System Improvement Program Calaveras Dam Replacement Project, in Alameda and Santa Clara Counties, including the Mitigation Habitat Actions at various sites; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

02/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110189 [Urging the California State Legislature and the Governor to Enact SB 223]

Sponsors: Chiu; Wiener, Avalos, Elsbernd and Mirkarimi

Resolution urging the California State Legislature and the Governor to enact SB 223, to allow the Board of Supervisors of any county to ask voters to consider restoring its vehicle license fee to the 1948-1998 level, giving voters the opportunity to preserve local services, public transportation, and critical programs.

02/15/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110190 [Apply for Grant - Urban Forest for Every City]

Sponsor: Mayor

Resolution authorizing the Planning Department to apply for funding from the Urban Forestry Grant Program entitled "An Urban Forest for Every City" as provided through propositions 40 and 84, to conduct a citywide tree inventory.

02/15/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

110188 [Hearing - Reserved Funds, Public Utilities Commission - $330,510,906]

Sponsor: Elsbernd

Hearing to consider release of reserved funds, Public Utilities Commission (File No. 100337, Ordinance No. 92-10) in the amount of $330,510,906 to fund the construction for the Water System Improvement Program CUW374-01 - Calaveras Dam Replacement Project.

02/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110191 [Hearing - Local Hiring for Construction Ordinance Implementation Status]

Sponsor: Avalos

Hearing on the status of implementation of the Local Hiring for Construction Ordinance.

02/15/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110192 [Hearing - City's Five-Year Financial Plan]

Sponsor: Chu

Hearing regarding the City's Five-Year Financial Plan, a requirement of Proposition A (2009).

02/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110193 [Hearing - San Francisco Unified School District - Summer School Program]

Sponsor: Cohen

Hearing on potential summer school programming for the 2011-2012 school year.

02/15/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

110194 [Hearing - City's Debt Structure]

Sponsor: Farrell

Hearing on the City's debt structure and in particular the $1,360,000,000 in non-voter approved debt on the City's books.

02/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110195 [Hearing - Emergency Personnel Staffing Levels for Athletic Events at Golden Gate Park]

Sponsor: Mar

Hearing on minimum levels of staffing of emergency personnel required for athletic events at Golden Gate Park, including noticing requirements for street closures within the park, responsibility for route map submissions to City's emergency response staff, and noticing requirements for participants and the public.

02/15/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110196 [Hearing - Effects of Golden Gate National Recreation Area's Draft Off-Leash Dog Policy]

Sponsor: Wiener

Hearing on the effects of Golden Gate National Recreation Area's draft off-leash dog policy.

02/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110197 [Hearing - Charter Amendment - Compensation of Board of Education Members]

Sponsor: Kim

Hearing of persons interested in or objecting to the proposed Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

02/15/11; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Introduced by the President at the Request of a Department

PROPOSED ORDINANCES

110146 [Settlement of Lawsuit - Liberato Primer, Jr. - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr. against the City and County of San Francisco for $125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

02/01/11; RECEIVED AND ASSIGNED to Rules Committee.

110147 [General Plan Amendment - Mission District Streetscape Plan]

Ordinance amending the San Francisco General Plan by amending Policy 5.3.7 of the Mission Area Plan to reflect the adoption of the Mission District Streetscape Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

02/03/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/17/2011.

PROPOSED RESOLUTIONS

110148 [Approval of Lease with ParkWide Activities, LLC - Master Bike Rental Concession Operation]

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with ParkWide Activities, LLC, for the operation of a Master Bike Rental Concession in City Parks. (Recreation and Park Department)

02/07/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:30 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAR - 4 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, March 1, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

---

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

110079 [Accept and Expend Grant - Zellerbach Family Foundation - $159,000]

Sponsor: Mayor

Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of $159,000 from the Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.

ADOPTED

110080 [Accept and Expend Grant - San Francisco Adult Treatment Drug Court - $325,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $325,000 from Substance Abuse and Mental Health Services to fund the San Francisco Adult Treatment Drug Court for the period September 30, 2010, through September 29, 2011.

ADOPTED

110081 [Accept and Expend Grant - San Francisco Community Justice Center - $325,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Substance Abuse and Mental Health Services in the amount of $325,000 to fund the San Francisco Community Justice Center for the period September 30, 2010, through September 29, 2011.

ADOPTED

Recommendations of the Public Safety Committee

110075 [Accept and Expend Grant - Safe Routes to School - $500,000]

Sponsors: Chiu; Mar

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of $500,000 in Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvements Funds through the Metropolitan Transportation Commission's Safe Routes to School Grant Program for the period September 1, 2011, through August 31, 2013, waiving indirect costs, stating assurance to complete the project, and to delegate authorization to execute these agreements and any amendments thereto to the Director of Public Health.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

110157 [Accept and Expend Grant - Carl Moyer Program - $178,962]

Sponsor: Chiu

Resolution authorizing the Police Department to retroactively accept and expend a Carl Moyer Grant in the amount of $178,962 from the Bay Area Air Quality Management District to replace the engines on board the Marine 1 Police Boat.

ADOPTED

110158 [Accept and Expend Grant - State Department of Boating and Waterways - $65,000]

Sponsor: Chiu

Resolution authorizing the Police Department to retroactively accept and expend a grant in the amount of $65,000 from the California State Department of Boating and Waterways for a Boating Safety and Enforcement Grant to purchase equipment for the Marine Unit.

ADOPTED

110159 [Accept and Expend Grant - Safe Havens: Supervised Visitation and Safe Exchange Continuation Project - $141,586]

Sponsor: Cohen

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Department of Justice in the amount of $141,586 to fund the project entitled "Safe Havens: Supervised Visitation and Safe Exchange Continuation Project" for the period of October 1, 2010, through September 30, 2011.

ADOPTED

Recommendations of the Rules Committee

101585 [Settlement of Lawsuit - Kevin Montague - $60,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for $60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101586 [Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - $34,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for $34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101587 [Settlement of Lawsuit - David Cheung, dba Kwok Shing Hong - $350,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for $350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101588 [Settlement of Lawsuit - KLW, LLC - $210,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for $210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101589 [Settlement of Lawsuit - Sunday Bazaar/2170 Folson, LLC - $127,372]
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folson, LLC, against the City and County of San Francisco for $127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101590 [Settlement of Lawsuit - Kroll Furniture - $65,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for $65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101591 [Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - $55,000]

Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for $55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)

PASSED, ON FIRST READING

101600 [Settlement of Lawsuit - National Union - Receipt of $925,000]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of $925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)

PASSED, ON FIRST READING

101608 [Settlement of Lawsuit - AboveNet Communications, Inc. - $183,479.00]

Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for $183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)

PASSED, ON FIRST READING

110048 [Settlement of Lawsuit - Timothy J. Chamberlain - $65,000]

Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

PASSED, ON FIRST READING

110049 [Settlement of Lawsuit - Garcia, et al. - $191,000]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

PASSED, ON FIRST READING

110107 [Settlement of Lawsuit - Paul Graham - $34,271.51]

Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for $34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101593 [Settlement of Unlitigated Claim - California Capital Insurance Company - $57,892.75]

Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company, as subrogee for Michelle Azevedo, against the City and County of San Francisco for $57,892.75; claim was filed on January 13, 2009. (City Attorney)

ADOPTED

110022 [Settlement of Unlitigated Claim - Ronald E. Johnson and Joseph Pasternak - $30,000]

Resolution approving the settlement of the unlitigated claim filed by Ronald E. Johnson and Joseph Pasternak against San Francisco for $30,000; claim was filed on July 14, 2010. (City Attorney)

ADOPTED

110056 [Settlement of Anticipated Litigation Against Office Depot - Receipt of $4,250,000/Payment of $48,915.40]

Resolution approving the settlement of anticipated litigation by the City and County of San Francisco against Office Depot for contract overcharge; the material terms of said settlement are: (1) the City to receive the sum of $3,750,000 in the form of a check; (2) the City to receive from Office Depot credit in the amount of $500,000 toward future purchases by the City over the next 5 years; and (3) payment to Office Depot of the sum of $48,915.40 as full and complete satisfaction of all outstanding balances owed by the City under its office supplies contract with Office Depot. (City Attorney)

ADOPTED

110108 [Settlement of Unlitigated Claim - John Payne - $220,229]

Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for $220,229; claim including grievance was filed on July 9, 2010. (City Attorney)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the Consent Agenda

Supervisor Chiu requested that File No. 101120 be severed so that it may be considered separately.

101120 [Police Code - Discharge of Firearms; Fireworks]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506 to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to March 8, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

101124 [Appropriating $528,774 of Certificate of Participation Proceeds for Disability Access Improvement Projects and Relocation Costs in the Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $528,774 of Certificate of Participation Series 2011A proceeds, including $477,732 to fund disability access improvements and $51,042 for temporary relocation costs in the Board of Supervisors chambers for the Mayor's Office on Disability in the General Services Agency, Administrative Services, for FY2010-2011 and placing $528,774 on Controller's reserve pending issuance of Certificate of Participation and $51,042 on Budget and Finance Committee Reserve pending submission of the cost details for the temporary relocation of the Board of Supervisors meetings by the Department of Technology and General Services Agency. (Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

110069 [Administrative Code - Health Service System Plans and Contribution Rates for FY2011-2012]

Sponsor: Chu

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1 by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

Supervisor Avalos Excused from Voting

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that Supervisor Avalos be excused from voting on File No. 110133. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110133 [Appointment, Bay Area Air Quality Management District - Supervisor John Avalos]

Motion appointing Supervisor John Avalos, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)

Motion No. M11-26

APPROVED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Cohen
Excused: 1 - Avalos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101483 [Park Code - Kezar Parking Fees]

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.08, to increase the parking fees at the Kezar Parking lot, and making environmental findings. (Recreation and Park Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101578 [Agreement - Olin Corporation - Sodium Hypochlorite - Estimated to Exceed $10,000,000]

Resolution approving the Agreement between the City and Olin Corporation, dba Olin Chlor Alkali, for Sodium Hypochlorite, which is estimated to exceed $10,000,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110051 [Public Auction - Tax-Defaulted Real Property]

Resolution authorizing the Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110054 [Emergency Contract - Replacing Sewer on Polk Street from Bush Street to Pine Street - Not to Exceed $422,339]

Resolution approving an emergency public work contract, under San Francisco Administrative Code Section 6.60, to replace the sewer on Polk Street from Bush Street to Pine Street with a contract amount not to exceed $422,339. (Public Utilities Commission)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110078 [Memorandum of Understanding Amendment - Urban Areas Security Initiative Grant Funds]

Sponsor: Mayor

Resolution approving a First Amendment to the Memorandum of Understanding (MOU) between the City and County of San Francisco, the City of Oakland, the City of San Jose, the County of Alameda, and the County of Santa Clara that establishes a governance structure and procedures for application, allocation, and distribution of federal Urban Areas Security Initiative grant funds to the Bay Area Urban Area, to extend the term of the MOU to June 30, 2011, and authorizing the Executive Director of the Department of Emergency Management to execute on behalf of the City.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110109 [Airport Lease Agreement - China Airlines, Ltd. - Building 648]

Resolution approving and authorizing the execution of Lease No. 10-0347 with China Airlines, Ltd., for cargo warehouse and support office space to be occupied by China Airlines, Ltd., in Building 648 at San Francisco International Airport.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Public Safety Committee

101422 [Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws]

Sponsor: Chiu

Ordinance amending the San Francisco Transportation Code Article 3, Division I, to allow certain Municipal Transportation Agency employees to enforce specified parking laws and order removal of vehicles, and amending the Transportation Code Article 7, Division I, to make it a misdemeanor to operate a taxi, a dispatch service, or a color scheme, or to drive a motor vehicle for hire, without a permit, to solicit or accept payment for referral of passengers to a motor vehicle for hire, to solicit or accept payment for motor vehicle for hire shifts, assignments or dispatch calls, to knowingly make false or misleading representations in connection with application for, renewal of, possible revocation of, or operation of a vehicle pursuant to a permit issued under Transportation Code Article 1100, to refuse to pay the legal fare to a driver of a motor vehicle for hire, and to charge excessive rates for transport in a motor vehicle for hire; and amending the San Francisco Police Code by deleting Sections 1078, 1089, 1105, 1110, 1132, 1135, and 1145.

Supervisor Wiener, seconded by Supervisor Chu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101480 [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110011 [Administrative Code - Composition - Justice Tracking Information System Committee Governance Council]

Sponsors: Mayor; Mirkarimi

Ordinance amending the San Francisco Administrative Code Section 2A.85 to add the City Administrator as a member of the Justice Tracking Information System (JUSTIS) Committee Governance Council and to designate the City Administrator as the Chair of the Council.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Rules Committee

110150 [Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to March 8, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101515 [Confirming Appointment, Port Commission - Leslie Katz]

Sponsor: Mayor

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.

Motion No. M11-27

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110062 [Appointments, Golden Gate Bridge, Highway and Transporation District - Janet Reilly, Dave Snyder, Richard Grosboll, and Michael Theriault]

Motion appointing Janet Reilly, Dave Snyder, Richard Grosboll, and Michael Theriault to the Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2013. (Clerk of the Board)

Motion No. M11-28

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Campos Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that Supervisor Campos be excused from voting on File No. 110112. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110112 [Appointment, San Francisco LAFCo - Supervisor David Campos]

Motion appointing Supervisor David Campos to the San Francisco Local Agency Formation Commission, term ending February 4, 2015. (Clerk of the Board)

Motion No. M11-29

APPROVED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Mar Excused from Voting

Supervisor Campos, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 110141. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

110141 [Appointment, California State Association of Counties - Supervisor Eric Mar]
Motion appointing Supervisor Eric Mar to the California State Association of Counties Board of Directors, term ending November 28, 2011. (Clerk of the Board)

Motion No. M11-30

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Excused: 1 - Mar

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110197 [Hearing - Charter Amendment - Compensation of Board of Education Members]
Sponsors: Kim; Campos, Mar, Avalos and Chiu
Hearing of persons interested in or objecting to the proposed Charter Amendments to amend the Charter of the City and County of San Francisco by amending Section 8.100, regarding compensation for members of the Board of Education.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File Nos. 101493 and 110181. Supervisor Kim provided an overview of the proposed charter amendments. Ray Hartz; Male Speaker; Male Speaker; Female Speaker; expressed various concerns relating to the proposed charter amendment. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

From the Rules Committee Without Recommendation

101493 [Charter Amendment - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of $500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

From the Board

110181 [Charter Amendment - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to authorize the Board of Education to set the compensation for its members, not to exceed one-half the annual salary of a first-year teacher in the San Francisco Unified School District, and to establish training and professional development requirements for Board of Education members.

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be ORDERED SUBMITTED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110018 [Hearing - Street Vacation Order - Transbay Transit Center]

Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 110019. John Updike, Acting Director of Real Estate, provided an overview of the street vacation. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

From the Land Use and Economic Development Committee Without Recommendation

110019 [Street Vacation Order - Transbay Transit Center]

Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Absent: 2 - Campos, Kim

Supervisor Kim was noted absent at 3:49 p.m.; noted present at 4:06 p.m.
Supervisor Campos was noted absent at 3:49 p.m.; noted present at 4:01 p.m.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the Members of the National Association of Social Workers for their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

101547 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 134-136 Ord Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2010, Case No. 2009.1124DDV, that a project located 134-136 Ord Street is exempt from environmental review under Categorically Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves construction of a new single-family home at the front of the subject lot, which would be located in front of an existing building on the lot, on Lot No. 004, in Assessor's Block No. 2657. (District 8) (Appellant: Corbett Heights Neighbors)
(Filed December 9, 2010; Companion Measure to File Nos. 101548, 101549, 101550.)

The President inquired as to whether any member of the public wished to address the Board relating to File Nos. 101547, 101548, 101549, and 101550. Steve Williams (Appellant) provided an overview of the appeal and requested the Board to approve the appeal. Ray Hartz; Male Speaker; Sarah Sobel; Jason Sobel; Judith Hoyem; F. Joseph Butler; Daniel Freeman; Male Speaker; spoke in support of the appeal. Tina Tam (Planning Department) provided an overview of the decision of the Planning Department. Marlena Byrne (City Attorney's Office) responded to questions raised throughout the discussion. Brett Gladstone (Project Sponsor) provided an overview of the project and requested the Board to uphold the decision of the Planning Commission. John Moroney; Male Speaker; Richard Carrington; John Hudson; Jonathon Stewart Mills; Brian Adias; Terry Allen Redman; Peter Weiser; Bob Buckter; Allen Beradell; David Hale; Richard Miller; Doug Kim-Wheeler; Steve Barber; Theresa Beaumont; Walter Paulson; Shelley Bradford Belle; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101548 [Affirming the Exemption Determination - 134-136 Ord Street]

Motion affirming the determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

Motion No. M11-31

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101549 [Reversing the Exemption Determination - 134-136 Ord Street]

Motion reversing the determination by the Planning Department that the 134-136 Ord Street project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101550 [Preparation of Findings to Reverse the Exemption Determination - 134-136 Ord Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

Recommendation of the Land Use and Economic Development Committee

110185 [Reciprocal Easement Agreement - Property Located at 150 Otis Street and 170 Otis Street]

Sponsor: Chiu

Resolution approving and authorizing a reciprocal easement agreement for the conveyance of easements over portions of City-owned property located at 150 Otis Street and 170 Otis Street, required as part of the long term ground lease to 150 Otis Associates, L.P., under San Francisco Charter Section 9.118, for the development and operation of affordable housing; adopting findings that the conveyance is in conformance with CEQA, the City's General Plan, and the priority policies of Planning Code Section 101.1; and authorizing City's Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Male Speaker; expressed various concerns.
Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Ray Hartz; expressed concerns relating to government.
Walter Paulson; shared in song certain concerns with the Board.
Herbert Weiner; expressed concerns relating to government.
Leslie Dehy; expressed concerns relating smart meters.
Majeid Crawford; expressed concerns relating to housing rights.
Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110190 [Apply for Grant - Urban Forest for Every City]

Sponsor: Mayor

Resolution authorizing the Planning Department to apply for funding from the Urban Forestry Grant Program entitled "An Urban Forest for Every City" as provided through propositions 40 and 84, to conduct a citywide tree inventory.

ADOPTED

110199 [National Sleep Awareness Week - March 7-11, 2011]

Sponsors: Elsbernd; Mirkarimi

Resolution declaring March 7-11, 2011, as "National Sleep Awareness Week" in San Francisco.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 110170 be severed so that it may be considered separately.

110170 [Urging the Governor of California to Protect Proposition 10 Funding for Local Children's Programs]

Sponsors: Mar; Campos

Resolution urging the Governor of California to protect Proposition 10 County funding by not sweeping $1,000,000,000 in Proposition 10 funds from local First 5 Commissions reserves, and urging a permanent diversion of 50% of all future Proposition 10 revenues.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution urging the Governor of California to protect Proposition 10 County funding by not re-allocating $1,000,000,000 in Proposition 10 funds from local First 5 Commissions reserves.

ADOPTED AS AMENDED by the following vote:
Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

The Motion FAILED.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11- Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Resolution be REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

.

Supervisor Chiu requested that File No. 110189 be severed so that it may be considered separately.

110189 [Urging the California State Legislature and the Governor to Enact SB 223]

Sponsors: Chiu; Wiener, Avalos, Elsbernd, Mirkarimi and Campos

Resolution urging the California State Legislature and the Governor to enact SB 223 to allow the Board of Supervisors of any county to ask voters to consider restoring its vehicle license fee to the 1948-1998 level, giving voters the opportunity to preserve local services, public transportation, and critical programs.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110173 [Settlement of Lawsuit - Esther Downes, et al. - $350,000]

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of $350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

02/18/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110168 [Lease of Real Property - 1421 Broderick Street]

Resolution authorizing the exercise of a ten year option to extend the lease of the 12,417 square foot building located at 1421 Broderick Street for the Department of Public Health. (Real Estate Department)

02/14/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

02/22/11; TRANSFERRED to Budget and Finance Sub-Committee.

110169 [Appointment, Transbay Joint Powers Authority - Carter R. Rohan]

Resolution confirming the appointment of Carter R. Rohan, R. A., to serve on the Transbay Joint Powers Authority as an Alternate Member for Nathaniel P. Ford, Sr. (Municipal Transportation Agency)

02/14/11; RECEIVED AND ASSIGNED to Rules Committee.

110174 [Settlement of Claim - Homeless Prenatal Program, Inc. - $135,246.65]

Resolution approving the settlement of the unlitigated claim filed by Homeless Prenatal Program, Inc., against the City and County of San Francisco for $135,246.65; claim was filed on September 23, 2010. (City Attorney)

02/16/11; RECEIVED AND ASSIGNED to Rules Committee.

110175 [Settlement of Unlitigated Claims - East Bay Regional Park District - Public Utilities Commission Calaveras Dam Replacement Project]

Resolution approving the settlement of the unlitigated claims between the City and County of San Francisco and the East Bay Regional Park District (EBRPD) related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, Calaveras Dam Replacement Project, in Alameda County, calling for SFPUC to pay EBRPD $2,000,000 related to project construction activities, and including other material terms and conditions in a settlement and release agreement. (City Attorney)

02/18/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

02/28/11; TRANSFERRED to Budget and Finance Sub-Committee.

110176 [CEQA Findings – Public Utilities Commission Bay Division Pipeline Nos. 3 and 4 Project]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Nos. 3 and 4, Project No. CUW35302, part of the Water System Improvement Program for the improvements to the regional water supply system; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

02/17/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:06 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 8, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR 15 2011

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, Supervisor Kim was noted absent. There was a quorum.

Supervisor Kim was noted present at 2:13 p.m.

AGENDA CHANGES

President Chiu announced that File No. 110245 would be called out of order.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of January 25, 2011, and February 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101483 [Park Code - Kezar Parking Fees]

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.08, to increase the parking fees at the Kezar Parking lot, and making environmental findings. (Recreation and Park Department)

FINALLY PASSED

Recommendations of the Public Safety Committee

101480 [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.

FINALLY PASSED

110011 [Administrative Code - Composition - Justice Tracking Information System Committee Governance Council]

Sponsors: Mayor; Mirkarimi

Ordinance amending the San Francisco Administrative Code Section 2A.85 to add the City Administrator as a member of the Justice Tracking Information System (JUSTIS) Committee Governance Council and to designate the City Administrator as the Chair of the Council.

FINALLY PASSED

Recommendations of the Rules Committee

101585 [Settlement of Lawsuit - Kevin Montague - $60,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for $60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101586 [Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - $34,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for $34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101587 [Settlement of Lawsuit - David Cheung, dba Kwok Shing Hong - $350,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for $350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101588 [Settlement of Lawsuit - KLW, LLC - $210,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for $210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101589 [Settlement of Lawsuit - Sunday Bazaar/2170 Folson, LLC - $127,372]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folson, LLC, against the City and County of San Francisco for $127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101590 [Settlement of Lawsuit - Kroll Furniture - $65,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for $65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101591 [Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - $55,000]

Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for $55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)

FINALLY PASSED

101600 [Settlement of Lawsuit - National Union - Receipt of $925,000]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of $925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)

FINALLY PASSED

101608 [Settlement of Lawsuit - AboveNet Communications, Inc. - $183,479.00]

Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for $183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)

FINALLY PASSED

110048 [Settlement of Lawsuit - Timothy J. Chamberlain - $65,000]

Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

FINALLY PASSED

110049 [Settlement of Lawsuit - Garcia, et al. - $191,000]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

FINALLY PASSED

110107 [Settlement of Lawsuit - Paul Graham - $34,271.51]

Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for $34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the Consent Agenda

Supervisor Chiu requested that File No. 101120 be severed so that it may be considered separately.

101120 [Police Code - Discharge of Firearms; Fireworks]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506 to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to March 15, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Land Use and Economic Development Committee Without Recommendation

110019 [Street Vacation Order - Transbay Transit Center]

Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Public Safety Committee

101422 [Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws]

Sponsor: Chiu

Ordinance amending the San Francisco Transportation Code Article 3, Division I, to allow certain Municipal Transportation Agency employees to enforce specified parking laws and order removal of vehicles, and amending the Transportation Code Article 7, Division I, to make it a misdemeanor to operate a taxi, a dispatch service, or a color scheme, or to drive a motor vehicle for hire, without a permit, to solicit or accept payment for referral of passengers to a motor vehicle for hire, to solicit or accept payment for motor vehicle for hire shifts, assignments or dispatch calls, to knowingly make false or misleading representations in connection with application for, renewal of, possible revocation of, or operation of a vehicle pursuant to a permit issued under Transportation Code Article 1100, to refuse to pay the legal fare to a driver of a motor vehicle for hire, and to charge excessive rates for transport in a motor vehicle for hire; and amending the San Francisco Police Code by deleting Sections 1078, 1089, 1105, 1110, 1132, 1135, and 1145.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110150 [Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

110068 [Administrative Code - Rewards to Informants for Information Related to the Detection of Underpayment of Property Tax]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code by amending Chapter 10, Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110183 [Accept and Expend Grant - Broadband Technology Opportunities Program and Amendment to the Annual Salary Ordinance, FY2010-2011 - $7,931,632]

Sponsors: Mayor; Chiu and Campos

Ordinance authorizing the Department of Technology to accept and expend a grant in the amount of $7,931,632 from the U.S. Department of Commerce through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) Broadband Technology Opportunities Program for Sustainable Broadband Adoption Training and Services, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY 2010-2011) to reflect the addition of two (2) grant-funded positions for the Department of Aging and Adult Services in Class 1823 Senior Administrative Analyst, and four (4) grant-funded positions for the Department of Technology as follows: one (1) position in Class 1823 Senior Administrative Analyst; one (1) position in Class 1844 Senior Management Assistant; one (1) position in Class 1766 Media Production Technician; and one (1) position in Class 1769 Media Production Supervisor.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the City Operations and Neighborhood Services Committee

110186 [Establishing a Comprehensive Recycling Program]

Sponsors: Mirkarimi; Avalos, Mar and Campos

Resolution requesting the Recreation and Parks Department and the Department of the Environment collaborate to establish a comprehensive Parks recycling program utilizing the expertise, volunteer base, and facilities of the HANC Recycling Center in Golden Gate Park, for the Department of the Environment, to establish an Independent Recycling Center Master Plan, and requesting the Recreation and Parks Department to rescind the eviction of the HANC Recycling Center from Golden Gate Park.

(Supervisor Elsbernd dissented in Committee.)

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 4, Line 15, by replacing 'rescind' with 'negotiate in good faith'. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

Recommendations of the Land Use and Economic Development Committee

110009 [Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110115 [Summary Vacation, Jurisdictional Transfer, and Sale of City Property - Ocean Avenue and Phelan Avenue]

Sponsors: Elsbernd; Avalos

Ordinance: (1) ordering the summary vacation of an approximately 17,050 square foot portion of City property located near Ocean Avenue and Phelan Avenue pursuant to the California Streets and Highways Code Sections 8330 et seq.; (2) authorizing the jurisdictional transfer of such portion of City property from the Department of Public Works to the Municipal Transportation Agency; (3) authorizing the sale of an approximately 25,772 square foot portion of City property located near Ocean Avenue and Phelan Avenue to the San Francisco Redevelopment Agency for $4,056,580 and the grant of a pedestrian access easement and an emergency fire apparatus access easement over a portion of adjacent City property; (4) adopting environmental findings and other findings that the actions set forth in this Ordinance are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; (5) adopting findings that Administrative Code Chapter 23A does not apply to the sale of such portion of City property; and (6) authorizing other actions in furtherance of this Ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Farrell, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Farrell introduced, welcomed, and presented Certificates of Honor to Donna Huggins, Jan Berckefeldt, and Hans Baldauf in recognition of their dedication and efforts to restore and renovate the Palace of Fine Arts.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Eugene Ford; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
John DiDonna; shared in poem certain concerns with the Board.
Charles Rathbont; expressed concerns relating to peak-hour taxi permits.
Lee Housekeeper; expressed concerns relating to peak-hour taxi permits.
Eric Brookes; expressed concerns relating to Recreation and Park.
Herbert Weiner; expressed concerns relating to government.
Jon Han; expressed concerns relating to peak-hour taxi permits.
Majeid Crawford; expressed concerns relating to housing rights.
Sayid; expressed concerns relating to religious and racial profiling.
Male Speaker; expressed various religious concerns.
Molly Steiner; spoke in support of opposing proposed elimination of adult day healthcare.
Jennie Shear; spoke in support of opposing proposed elimination of adult day healthcare.
Annie; spoke in support of opposing proposed elimination of adult day healthcare.
Benny Wong; spoke in support of opposing proposed elimination of adult day healthcare.
Laney Eastman; spoke in support of opposing proposed elimination of adult day healthcare.
Male Speaker; expressed concerns relating to religious and racial profiling.
Otto Duffy; expressed various concerns.

COMMITTEE REPORTS

Recommendation of the Rules Committee

110211 [Appointments, Citizen's Committee on Community Development - Utuma Belfrey, Peter Cohen, and Charlie Sciammas]

Motion appointing Utuma Belfrey, Peter Cohen, terms ending February 23, 2013, and Nicole Rivera, term ending February 23, 2012, to the Citizen's Committee on Community Development. (Clerk of the Board)

Utuma Belfrey, seat 1, succeeding Charlie Sciammas, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the unexpired portion of a two-year term ending date February 23, 2013.

Peter Cohen, seat 2, succeeding Rene Cazenave, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for for the unexpired portion of a two-year term ending date February 23, 2013.

Nicole Rivera, seat 4, succeeding Gaylen Mohre, resigned, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the expired portion of a two-year term ending February 23, 2012.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be AMENDED on Page 1, Line 4, by replacing 'Nicole Rivera' with 'Charlie Sciammas'; and on Line 17, by replacing 'Nicole Rivera' with 'Charlie Sciammas'. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

Motion appointing Utuma Belfrey, Peter Cohen, terms ending February 23, 2013, and Charlie Sciammas, term ending February 23, 2012, to the Citizen's Committee on Community Development. (Clerk of the Board)

Utuma Belfrey, seat 1, succeeding Charlie Sciammas, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the unexpired portion of a two-year term ending date February 23, 2013.

Peter Cohen, seat 2, succeeding Rene Cazenave, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for for the unexpired portion of a two-year term ending date February 23, 2013.

Charlie Sciammas, seat 4, succeeding Gaylen Mohre, resigned, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the expired portion of a two-year term ending February 23, 2012.

Motion No. M11-33

APPROVED AS AMENDED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

CLOSED SESSION

110245 [Closed Session - Pension, Health Care, and Retiree Health Care Reform]

Sponsor: Elsbernd

Motion for the Board of Supervisors to convene in closed session to consult with the City's Labor Relations Negotiators: Mayor Edwin M. Lee, Steve Kawa, Mayor's Chief of Staff, Micki Callahan, Director, Department of Human Resources, and Martin Gran, Director, Employee Relations Division, for the purpose of reviewing the City's positions and the Mayor's instructions to the Negotiators relating to: (a) pension, health care, and retiree health care reform proposals, and the meet and confer process regarding wages, hours, benefits, and working conditions currently underway between the City and City employee bargaining units to address the costs associated with providing these benefits; and (b) pending labor negotiations with organizations representing employees in the two MOUs expiring June 30, 2011 (e.g., District Attorney Investigators Association and Committee on Interns and Residents), as well as the Unrepresented Ordinance.

This closed session is held pursuant to Government Code Section 54957.6, and San Francisco Administrative Code Section 67.10(e).

(Employee Organizations: Automotive Machinists, Local 1414; Committee on Interns and Residents; Crafts Coalition; District Attorney Investigators Association; Deputy Probation Officers' Assoc.; District Attorneys' Investigators Assoc.; Deputy Sheriffs Association; Electricians, Local 6; Fire Fighters, Local 798; International Federation of Professional and Technical Engineers, Local 21; Institutional Probation Officers' Assoc.; Laborers, Local 261; Local 1414; Local 21; Municipal Attorneys' Association; Municipal Executives' Association; Operating Engineers Local 3; Plumbers, Local 38; Police Officers' Association; Service Employees International Union, Local 1021; Stationary Engineers, Local 39; Supervising Probation Officers' Assoc.; Supervising Registered Nurses; Teamsters Local 350; Teamsters Local 856; Union of American Physician and Dentists.) These organizations represent police officers, firefighters, airport police, transit workers, nurses, miscellaneous employees, and other City employees.

Motion No. M11-32

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Absent: 1 - Kim

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 2:08 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener

Supervisor Kim was noted present at 2:13 p.m.

Persons in attendance:
Mayor Edwin M. Lee
Steve Kawa, Mayor's Chief of Staff
Greg Wagner, Mayor's Budget Director
Greg Wilson, Mayor's Budget Office
Cheryl Adams, Deputy City Attorney
Micki Callahan, Director of Department of Human Resources
Martin Gran, Director of Employee Relations
Ben Rosenfield, Controller
Monique Zmuda, Deputy Controller
Leo Levinson, Budget and Analysis Director, Controller's Office
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Mayor Edwin M. Lee and Steve Kawa, Mayor's Chief of Staff, left the Board Chamber at 3:07 p.m.

Matter was heard in Closed Session and Filed.

RECONVENING OF THE BOARD

The Board at the hour of 3:34 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to NOT DISCLOSE its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110248 [Celebrating Governor Brown's Appointment of Julie Su, California Labor Commission]

Sponsors: Campos; Mar and Chiu

Resolution commending Governor Brown for appointing Julie Su as Chief of the California Division of Labor Standards Enforcement, also known as the California Labor Commissioner, and encouraging San Francisco's Office of Labor Standards Enforcement to collaborate with Commissioner Su to protect the labor and employment rights of low-wage workers in San Francisco.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED

110249 [Accept and Expend Grant - PSI/Myanmar Collaborative Impact Study Planning - $25,578]

Sponsor: Campos

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Regents of the University of California in the amount of $25,578 to participate in a program entitled "PSI/Myanmar Collaborative Impact Study Planning" for the period of July 1, 2010, through June 30, 2011.

ADOPTED

110250 [Supporting Governor Brown's Proposal to Eliminate the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities]

Sponsors: Campos; Kim, Mar and Avalos

Resolution supporting Governor Brown's proposal to eliminate the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities, and affirming San Francisco's moratorium against sending youth to State run detention facilities for youth.

ADOPTED

110251 [Accept and Expend Grant - Program Collaboration and Service Integration - $72,962]

Sponsor: Campos

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Public Health Foundation Enterprises, Inc., in the amount of $72,962 to participate in a program entitled "Addressing Syndemics through Program Collaboration and Service Integration" for the period of September 30, 2010, through September 29, 2011.

ADOPTED

110252 [Accept and Expend Grant - Implementing New Directions in HIV Prevention in San Francisco - $26,634]

Sponsors: Chu; Campos

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Public Health Foundation Enterprises, Inc., in the amount of $26,634 to participate in a program entitled "Implementing New Directions in HIV Prevention in San Francisco: A Comprehensive" for the period of September 30, 2010, through September 29, 2011.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

110253 [Accept and Expend Grant - WritersCorp - $10,000]

Sponsor: Cohen

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant from the Friends of the San Francisco Library in the amount of $10,000 a federal pass-through grant from the President's Committee on the Arts and Humanities' National Arts and Humanities Youth Program Award (formerly Coming Up Taller) for general operating support for WritersCorp.

ADOPTED

110254 [Supporting Mental Health Crisis Intervention Team]

Sponsors: Mirkarimi; Campos

Resolution commending the San Francisco Police Commission for implementing Mental Health Crisis Intervention Team (CIT) based on the "Memphis Model" urging stakeholder City departments and community based organizations to collaborate to provide adequate mental health services in order to facilitate the mission of the CIT and to ensure the CIT has the tools and resources necessary to achieve similar results to that of the Memphis Model.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

110257 [Support of Peak-Hour Taxi Permits]

Sponsors: Wiener; Chiu

Resolution in support of peak-hour taxi permits, and world-class taxi service in San Francisco.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED

110258 [Gift Acceptance - ArtCare Program - $10,000]

Sponsor: Chiu

Resolution authorizing the Arts Commission to accept and expend a donation from the Arnhold Foundation in the amount of $10,000 for general operating support of the ArtCare Program.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisors Elsbernd and Mirkarimi requested that File No. 110255 be severed so that it may be considered separately.

110255 [Endorsing Community Concerns of Surveillance, Racial, and Religious Profiling]

Sponsors: Mirkarimi; Mar, Avalos and Campos

Resolution endorsing "Community Concerns of Surveillance, Racial, and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities (AMEMSA) and Potential Reactivation of Police Department's Intelligence Gathering," a report published by the San Francisco Human Rights Commission.

Supervisors Mar, Avalos, and Campos requested to be added as co-sponsors.

REFERRED to the Public Safety Committee

Supervisors Kim and Elsbernd requested that File No. 110256 be severed so that it may be considered separately.

110256 [Opposing Elimination of Adult Day Health Center Programs]

Sponsors: Kim; Avalos, Mar and Campos

Resolution opposing the proposed elimination of Medi-Cal funding for Adult Day Health Center programs in the State of California.

Supervisors Mar and Campos requested to be added as co-sponsors.

RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110266 [Arbor Day - March 12, 2011]

Sponsor: Mar

Resolution declaring March 12, 2011, as Arbor Day.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110266. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

110120 [2011 Annual Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2011 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

02/17/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110201 [Agreement - Use of Fast Pass on BART]

Resolution approving the Special Transit Fare (Fast Pass) Agreement between the City and the Bay Area Rapid Transit District, with a term from January 1, 2010, to June 30, 2018. (Municipal Transportation Agency)

02/28/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:23 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAR 17 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, March 15, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Chiu, Carmen Chu, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Campos, Cohen, and Mirkarimi were noted absent. There was a quorum.

Supervisors Campos, Cohen, and Mirkarimi Excused from Voting

Supervisor Avalos, seconded by Supervisor Farrell, moved that Supervisors Campos, Cohen, and Mirkarimi be excused from voting. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Kim, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of February 8, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

110068 [Administrative Code - Rewards to Informants for Information Related to the Detection of Underpayment of Property Tax]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code by amending Chapter 10, Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco.

FINALLY PASSED

110183 [Accept and Expend Grant - Broadband Technology Opportunities Program and Amendment to the Annual Salary Ordinance, FY2010-2011 - $7,931,632]

Sponsors: Mayor; Chiu and Campos

Ordinance authorizing the Department of Technology to accept and expend a grant in the amount of $7,931,632 from the U.S. Department of Commerce through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) Broadband Technology Opportunities Program for Sustainable Broadband Adoption Training and Services, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY 2010-2011) to reflect the addition of two (2) grant-funded positions for the Department of Aging and Adult Services in Class 1823 Senior Administrative Analyst, and four (4) grant-funded positions for the Department of Technology as follows: one (1) position in Class 1823 Senior Administrative Analyst; one (1) position in Class 1844 Senior Management Assistant; one (1) position in Class 1766 Media Production Technician; and one (1) position in Class 1769 Media Production Supervisor.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

110009 [Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

FINALLY PASSED

Recommendation of the Public Safety Committee

101120 [Police Code - Discharge of Firearms; Fireworks]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506 to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

FINALLY PASSED

Recommendations of the Rules Committee

110105 [Appointments, Sunshine Ordinance Task Force - Jay Costa and Jackson West]

Motion appointing Jay Costa, term ending April 27, 2012, and Jackson West, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Motion No. M11-34

APPROVED

110145 [Appointments, Citizens' General Obligation Bond Oversight Committee - Robert Muscat and Jonathan Alloy]

Motion appointing Robert Muscat and Jonathan Alloy, to the Citizens' General Obligation Bond Oversight Committee, terms ending November 21, 2012. (Clerk of the Board)

Motion No. M11-35

APPROVED

110146 [Settlement of Lawsuit - Liberato Primer, Jr. - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr., against the City and County of San Francisco for $125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

110173 [Settlement of Lawsuit - Esther Downes, et al. - $350,000]

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of $350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

PASSED, ON FIRST READING

110174 [Settlement of Claim - Homeless Prenatal Program, Inc. - $135,246.65]

Resolution approving the settlement of the unlitigated claim filed by Homeless Prenatal Program, Inc., against the City and County of San Francisco for $135,246.65; claim was filed on September 23, 2010. (City Attorney)

ADOPTED

101471 [Appointment, Sweatfree Procurement Advisory Group - Eleanor Morton]

Motion appointing Eleanor Morton, to the Sweatfree Procurement Advisory Group, term ending December 17, 2011. (Clerk of the Board)

Motion No. M11-36

APPROVED

110218 [Appointments, Urban Forestry Council - Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan]

Motion appointing Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan to the Urban Forestry Council, terms ending November 18, 2012. (Clerk of the Board)

Motion No. M11-37

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that File No. 110115 be severed so that it may be considered separately.

110115 [Summary Vacation, Jurisdictional Transfer, and Sale of City Property - Ocean Avenue and Phelan Avenue]

Sponsors: Elsbernd; Avalos

Ordinance: 1) ordering the summary vacation of an approximately 17,050 square foot portion of City property located near Ocean Avenue and Phelan Avenue pursuant to the California Streets and Highways Code Sections 8330 et seq.; 2) authorizing the jurisdictional transfer of such portion of City property from the Department of Public Works to the Municipal Transportation Agency; 3) authorizing the sale of an approximately 25,772 square foot portion of City property located near Ocean Avenue and Phelan Avenue to the San Francisco Redevelopment Agency for $4,056,580 and the grant of a pedestrian access easement and an emergency fire apparatus access easement over a portion of adjacent City property; 4) adopting environmental findings and other findings that the actions set forth in this Ordinance are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; 5) adopting findings that Administrative Code Chapter 23A does not apply to the sale of such portion of City property; and 6) authorizing other actions in furtherance of this Ordinance.

Supervisor Elsbernd indicated amendments to the Purchase and Sale Agreement between the City and the Redevelopment Agency to include a Use Restriction that requires that the mixed use project have 70 residential rental units available for tenants with initial household incomes at or below 60% of area median income and that the property revert to the City if the Agency ceases to exist as provided by the Mayor's Office of Economic and Workforce Development, included in File No. 110115.

FINALLY PASSED, after accepting the amendments to the accompanying documents, by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendation of the Budget and Finance Committee

100962 [Appropriating $1,300,000 of General Fund Reserve - Ethics Commission Public Election Campaign Finance Fund for FY2010-2011]

Sponsors: Avalos; Mirkarimi and Campos

Ordinance appropriating $1,300,000 of General Fund Reserve for the Ethics Commission in the Public Election Campaign Finance Fund for FY2010-2011.
(Fiscal Impact.)
(Supervisors Chu and Wiener dissented in Committee.)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to March 29, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

Recommendations of the Budget and Finance Sub-Committee

110154 [Appropriating $2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110148 [Lease - ParkWide Activities, LLC - Master Bike Rental Concession Operation]

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with ParkWide Activities, LLC, for the operation of a Master Bike Rental Concession in City Parks.
(Recreation and Park Department)

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110168 [Lease of Real Property - 1421 Broderick Street]

Resolution authorizing the exercise of a ten year option to extend the lease of the 12,417 square foot building located at 1421 Broderick Street for the Department of Public Health. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

From the Budget and Finance Sub-Committee Without Recommendation

110175 [Settlement of Unlitigated Claims - East Bay Regional Park District - Public Utilities Commission Calaveras Dam Replacement Project]

Resolution approving the settlement of the unlitigated claims between the City and County of San Francisco and the East Bay Regional Park District (EBRPD) related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, Calaveras Dam Replacement Project, in Alameda County, calling for SFPUC to pay EBRPD $2,000,000 related to project construction activities, and including other material terms and conditions in a settlement and release agreement. (City Attorney)

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110187 [CEQA Findings - Public Utilities Commission Calaveras Dam Replacement Project]

Sponsor: Elsbernd

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Water System Improvement Program Calaveras Dam Replacement Project, in Alameda and Santa Clara Counties, including the mitigation habitat actions at various sites; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101523 [Planning Code, Administrative Code - Development Impact and In-Lieu Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by: 1) amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts; 2) amending Sections 413.6 and 415.5 to provide that the annual adjustments to the Jobs-Housing Linkage and Affordable Housing fees shall be made at the same time as the cost inflation adjustments are made to the other development fees; 3) amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; and 4) adding an uncodified section providing that (a) if a development fee was evaluated in 2010 or 2011, it need not be included in the 2011 five-year evaluation and (b) authorizing the Controller to make the 2011 Infrastructure Cost Inflation Adjustments to the development fees in April rather than January; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; and adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110024 [Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]

Sponsor: Mirkarimi

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to March 22, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110070 [Planning Code - Zoning - Upper Fillmore Neighborhood Commercial District]

Sponsor: Farrell

Ordinance amending the San Francisco Planning Code by amending Sections 703.3 and 718.1 and the Zoning Control Table for the Upper Fillmore NCD to: 1) allow as a conditional use on the first floor a new full-service restaurant, large fast food restaurant, small self-service restaurant or self-service specialty food establishment that is not defined as a formula retail use; and 2) add Specific Provisions to the Zoning Control Table to allow a bar associated with a full-service restaurant as a conditional use and require the Planning Commission to consider daytime usage on the block in conditionally approving a new restaurant; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

Recommendation of the Rules Committee

110117 [Administrative Code - Publication Requirements]

Sponsor: Mirkarimi

Ordinance amending San Francisco Administrative Code Section 2.97 to define "Summary" for the purpose of publishing "Public Notices."

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to March 22, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110150 [Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

110213 [Hearing - Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]

Sponsor: Chiu

Hearing of persons interested in or objecting to the proposed Emergency Ordinance authorizing the Director of Elections to extend deadlines in the San Francisco Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 110278. John Arnst, Director, Department of Elections, provided an overview of the emergency ordinance. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110278 [Municipal Elections Code - Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]

Sponsor: Chiu

Emergency Ordinance authorizing the Director of Elections to extend deadlines in the San Francisco Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Wiener, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to dancers of the Wild Swans Theatre Company in recognition of St. Patrick's Day, their accomplishments, and continued community support.

Privilege of the floor was granted to Kay Gulbengay, Chair, and Emily Murase, Executive Director, Commission on the Status of Women, who provided an overview of Women's History Month.

WOMEN'S HISTORY MONTH
Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Women's History Month, their accomplishments, and their continued community support as referenced below:
Supervisor Wiener recognized Debra Niemann;
Supervisor Mar recognized Leticia Alcantar;
Supervisor Kim, on behalf of Supervisor Mirkarimi, recognized Carlina Hansen;
Supervisor Kim recognized Nella Manuel;
Supervisor Farrell recognized Crystal Brown;
Supervisor Elsbernd recognized Yvonne Sangiacomo;
Supervisor Chu, on behalf of Supervisor Cohen, recognized Kimberly Ellis;
Supervisor Chu recognized Angela Tickler;
Supervisor Chiu recognized Gerry Crowley;
Supervisor Avalos, on behalf of Supervisor Campos, recognized Eileen Hansen;
Supervisor Avalos recognized Jacqueline Zapata Chavez; and
Jason Elliott (Mayor's Office), on behalf of Mayor Lee, recognized Anni Chung.

SPECIAL ORDER 4:00 P.M.

110202 [Public Hearing - Appeal of Final Environmental Impact Report - Calaveras Dam Replacement Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 27, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.0161E, through its Motion No. 18261, for the proposed Calaveras Dam Replacement Project located in unincorporated areas of Alameda and Santa Clara Counties. (Appellant: Gregory Stepanicich, on behalf of the East Bay Regional Park District).
(Filed February 14, 2011; Companion to File Nos. 110203, 110204, 110205.)

The President inquired as to whether any member of the public wished to address the Board relating to the appeal. Ted Radosevich (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. There were no speakers in support of the appeal. Chris Kern (Planning Department) provided an overview of the decision of the Planning Department. Dan Wade (SFPUC) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Male Speaker spoke in support of the project and in opposition to the appeal. Ted Radosevich (Appellant) indicated there was no rebuttal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110203 [Affirming Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

Motion No. M11-40

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110204 [Reversing Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

110205 [Preparation of Findings to Reverse Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

COMMITTEE REPORTS

From the City Operations and Neighborhood Services Committee Without Recommendation

110283 [Urging Avalon Bay Communities to Utilize Sub-Contractors that Compensate Workers Consistent with Area Standard Wages]

Sponsor: Avalos

Resolution encouraging Avalon Bay Communities to sub-contract all carpentry crafts to a responsible contractor that pays area standard wages and benefits and has a State of California certified apprenticeship program and journeyman upgrade training.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to March 29, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Ace Washington; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110212 [Committee of the Whole - Hearing to Consider and Approve an Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]

Sponsor: Chiu

Motion that the Board of Supervisors convene as a Committee of the Whole on March 15, 2011, at 3:00 p.m., to consider an emergency ordinance authorizing the Director of Elections to extend deadlines in the Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011. (Clerk of the Board)

Motion No. M11-38

APPROVED

110293 [Monsignor Oscar Romero Day - March 26, 2011]

Sponsors: Campos; Elsbernd, Mar and Avalos

Resolution declaring March 26, 2011, as Monsignor Oscar Romero Day in San Francisco, to honor a person who dedicated themselves to, and ultimately gave their life for, social justice and human rights protection, and preached the message of peace, non-violence, reconciliation, and love.

Supervisors Elsbernd, Mar, and Avalos requested to be added as co-sponsors.

ADOPTED

110295 [Extension of 45 Days for Planning Commission Review - Market and Octavia Plan Area]

Sponsor: Wiener

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Sections 415.5 to provide a new land dedication alternative in the Market and Octavia Plan Area, in lieu of payment of the affordable housing fee, and adding Section 415.10 to provide for the requirements of such land dedication, and making findings, including environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

110260 [Final Map 5889: 619, 631-633 Taraval Street]

Motion approving Final Map 5889, a 9 Unit Mixed-Use (6 Unit Residential and 3 Unit Commercial) Condominium Project, located at 619, 631-633 Taraval Street being a subdivision of Lots 039, 040, and 042A in Assessors Block No. 2409 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-39

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110300 [Development Agreement - Parkmerced, LLC]

Ordinance approving a Development Agreement between the City and County of San Francisco and Parkmerced Investors, LLC, for certain real property located in the Lake Merced District of San Francisco and commonly referred to as Parkmerced, generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west, making findings under the California Environmental Quality Act, findings of conformity with the City's General Plan and with the eight priority policies of Planning Code Section 101.1(b), and waiving certain provisions of Administrative Code Chapter 56. (Planning Department)

03/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110301 [Planning Code - Special Use District - Parkmerced]

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish the Parkmerced Special Use District for the property consisting of Assessor's Block Nos. 7303, 7303A, 7308 through 7311, 7309A, 7315 through 7323, 7325 and 7326, 7330, 7331 (Lot No. 4), 7332 (Lot No. 4), 7333 (Lot Nos. 1 and 3), 7333A, 7333B, 7333C, 7333D, 7333E, 7334 through 7345, 7345A, 7345B, 7345C, 7356 through 7359, and 7360 through 7370; amending Planning Code Section 270 to refer to the Parkmerced Special Use District; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)

03/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110302 [Planning Code - Zoning Map Amendments - Parkmerced]

Ordinance amending the San Francisco Planning Code by amending Sectional Maps ZN13, HT13, and SU13, of the Zoning Map of the City and County of San Francisco, to reflect the Parkmerced Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)

03/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110303 [General Plan Amendment - Parkmerced]

Ordinance amending the San Francisco General Plan by amending the Urban Design Element Height Map with respect to the Parkmerced site; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

03/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTION

110210 [Airline/Airport 2011 Lease and Use Agreements - Various Airlines]

Resolution approving leases to the terms of eight (8) new Airline/Airport Lease and Use Agreements between the City and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

03/15/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:07 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 15, 2011 - 2:05 PM

GOVERNMENT
DOCUMENTS DEPT

MAR 17 2011

SAN FRANCISCO
PUBLIC LIBRARY

0
9
5/11

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Special Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Chiu, Carmen Chu, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Campos, Cohen, and Mirkarimi were noted absent. There was a quorum.

Supervisors Campos, Cohen, and Mirkarimi Excused from Voting

Supervisor Avalos, seconded by Supervisor Farrell, moved that Supervisors Campos, Cohen, and Mirkarimi be excused from voting. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

AGENDA CHANGES

There were none.

COMMITTEE REPORT

Recommendation of the Budget and Finance Sub-Committee

110239 [Redevelopment Agency FY2010-2011 Budget Amendment]

Sponsor: Mayor

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2010-2011 Budget to: (1) authorize an additional expenditure in an amount not to exceed $75,440,000; and (2) approve the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed $70,000,000 to finance a portion of redevelopment activities described in the approved Budget, as amended, for FY2010-2011. (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:11 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAR 25 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, March 22, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisors Avalos, Chu, and Kim were noted absent. There was a quorum.

Supervisor Avalos Excused from Voting

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that Supervisor Avalos be excused from voting. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos
Absent: 2 - Chu, Kim

AGENDA CHANGES

There were none.

Supervisors Chu and Kim were noted present at 2:10 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of February 15, 2011. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Sub-Committee

110154 [Appropriating $2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.
(Fiscal Impact.)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

110235 [Accept and Expend Grant - Medicare Improvements for Patients and Providers Act - $143,128]

Sponsor: Campos

Resolution authorizing the Department of Aging and Adult Services to accept and expend a grant in the amount of $143,128 from the Centers for Medicare and Medicaid Services and the Administration on Aging, passed through the California Department on Aging, to assist in expanding Medicare beneficiary enrollment and outreach activities aimed at preventing disease and promoting health.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

110070 [Planning Code - Zoning - Upper Fillmore Neighborhood Commercial District]

Sponsor: Farrell

Ordinance amending the San Francisco Planning Code by amending Sections 703.3 and 718.1 and the Zoning Control Table for the Upper Fillmore NCD to: 1) allow as a conditional use on the first floor a new full-service restaurant, large fast food restaurant, small self-service restaurant or self-service specialty food establishment that is not defined as a formula retail use; and 2) add Specific Provisions to the Zoning Control Table to allow a bar associated with a full-service restaurant as a conditional use and require the Planning Commission to consider daytime usage on the block in conditionally approving a new restaurant; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

110146 [Settlement of Lawsuit - Liberato Primer, Jr. - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr., against the City and County of San Francisco for $125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

110173 [Settlement of Lawsuit - Esther Downes, et al. - $350,000]

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of $350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

101523 [Planning Code, Administrative Code - Development Impact and In-Lieu Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by: 1) amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts; 2) amending Sections 413.6 and 415.5 to provide that the annual adjustments to the Jobs-Housing Linkage and Affordable Housing fees shall be made at the same time as the cost inflation adjustments are made to the other development fees; 3) amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; and 4) adding an uncodified section providing that (a) if a development fee was evaluated in 2010 or 2011, it need not be included in the 2011 five-year evaluation and (b) authorizing the Controller to make the 2011 Infrastructure Cost Inflation Adjustments to the development fees in April rather than January; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; and adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.

FINALLY PASSED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110024 [Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]

Sponsor: Mirkarimi

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Recommendation of the Rules Committee

110117 [Administrative Code - Publication Requirements]

Sponsor: Mirkarimi

Ordinance amending San Francisco Administrative Code Section 2.97 to define "Summary" for the purpose of publishing "Public Notices."

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

101564 [Memorandum of Understanding - 34th America's Cup]

Sponsors: Mayor; Chiu, Mirkarimi, Elsbernd and Chu

Resolution approving a Memorandum of Understanding between the City Controller and the Port Commission regarding the 34th America's Cup under Charter Section B7.320.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110120 [2011 Annual Joint Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2011 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

From the Budget and Finance Sub-Committee Without Recommendation

110184 [De-Appropriating $15,479,251 of Market Rate Bond Proceeds and Re-Appropriating to Below Market Rate - Seismic Safety Loan Program - FY2010-2011]

Sponsor: Mayor

Ordinance de-appropriating $15,479,251 of Market Rate General Obligation Bond Proceeds, Series 2007A, and re-appropriating $15,479,251 to the Below Market Rate Seismic Safety Loan Program in the Mayor's Office of Housing for FY2010-2011 and maintaining on Controller's reserve the appropriation equal to the unsold portion of the bonds.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Recommendation of the Government Audit and Oversight Committee

110241 [Setting the 2011 Budget and Legislative Analyst Services Work Plan]

Sponsor: Campos

Motion approving the Budget and Legislative Analyst Services work plan for 2010, which: (a) allocates hours for calendar year 2011; (b) authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours between service categories based on Board of Supervisors service needs; and (c) requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2011 Annual Performance Evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

Motion No. M11-41

APPROVED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Recommendation of the Land Use and Economic Development Committee

110176 [CEQA Findings - Public Utilities Commission Bay Division Pipeline Nos. 3 and 4 Project]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Nos. 3 and 4, Project No. CUW35302, part of the Water System Improvement Program for the improvements to the regional water supply system; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.
(Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that Supervisor Elsbernd be excused from voting on File Nos. 110041, 110042, 110043, and 110044. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 2 - Avalos, Elsbernd

110041 [Appeal of Determination of Exemption from Environmental Review - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Hearing of persons interested in or objecting to the decision of the Planning Department and Commission dated June 8, 2009, Case No. 2008.0558E, that a project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review under Categorical Exemption, Classes 1 and 3 (State Guidelines Sections 15301(l)(4) and 15303(a)). The proposed project involves the subdivision of two existing lots into four and the construction of three new single-family homes fronting on Los Palmos Drive, Lot Nos. 116 and 117 in Assessor's Block No. 3027A. (District 7) (Appellant: Stephen M. Williams, on behalf of the Miraloma Park Improvement Club).
(Filed January 7, 2011; Companion Measure to File Nos. 110042, 110043. 110044.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and requested the Board to approve the appeal. Kamal Obeid; Karen Brussler; Ed Kelly; Megan Tayler; Zina Marzolli; Paul Michaelson; Peter Rintera; spoke in support of the appeal. Lisa Gibson and Andrea Contreras (Planning Department) provided an overview of the decision of the Planning Department and Commission. Brett Gladstone (Project Sponsor) provided an overview of the project and requested the Board to uphold the decision of the Planning Department and Commission. Eddy Lau; spoke in support of the project and in opposition to the appeal. Steve Williams and Kamal Obeid (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110042 [Affirming the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion affirming the determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Motion No. M11-44

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 2 - Avalos, Elsbernd

110043 [Reversing the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion reversing the determination by the Planning Department and Commission that the 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive project is exempt from environmental review. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 2 - Avalos, Elsbernd

110044 [Preparation of Findings to Reverse the Exemption Determination - 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department and Commission that the project located at 795 Foerster Street, 203 Los Palmos Drive, 207 Los Palmos Drive, and 213 Los Palmos Drive is exempt from environmental review. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 2 - Avalos, Elsbernd

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Keith Dennis; expressed various concerns relating medical marijuana.
Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns.
Dale Seymour; expressed concerns relating to drive-bys in the Tenderloin.
Leslie; expressed various concerns relating to smart meters.
Male Speaker; expressed various religious concerns.
Jonathan Gast, representing Congressmember Jackie Speier; spoke acknowledging the work of the City and County of San Francisco.
Jamie Whittaker; expressed concerns relating to traffic control.
Ace Washington; expressed various concerns.
Charles Pitts; expressed concerns relating to appointments.

CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY - Existing Litigation

110331 [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]

Sponsor: Chiu

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

Motion No. M11-42

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 3:08 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Vince Chhabria, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard in Closed Session and continued to April 5, 2011.

RECONVENING OF THE BOARD

The Board at the hour of 4:24 p.m. reconvened.

The following Supervisors were noted present: Supervisors Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

110331 [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]

Sponsor: Chiu

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be CONTINUED AS APPROVED to April 5, 2011. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110319 [Accept and Expend Grant - Audiovisual Digitization Project - $9,998]

Sponsor: Chu

Resolution authorizing the Public Library to accept and expend a grant in the amount of $9,998 from the California State Library, as part of the Federal Library Services and Technology Act, for preserving and providing access to the Public Library's unique audiovisual collections and creating standard procedures for future audiovisual digitization projects.

ADOPTED

110320 [Presidio Branch Library Reopening]

Sponsor: Farrell

Resolution recognizing the grand reopening of the Presidio Branch Library and commending the Public Library and its team for their hard work and commitment to San Francisco and its residents.

ADOPTED

110321 [Accept and Expend Grant - Marina Green Bicycle Trail - $97,339]

Sponsor: Farrell

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of $97,339 from the Association of Bay Area Governments for the Marina Green Bicycle Trail project between Laguna Street and Buchannan Street.

ADOPTED

110322 [Accept and Expend Gift - Mayor's Annual Earth Day Breakfast - $12,000]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to accept and expend a gift in the amount of $12,000 from Wells Fargo Bank, to sponsor the Mayor's Annual Earth Day Breakfast on April 20, 2011, at City Hall.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 110329 be severed so that it may be considered separately.

110329 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 7, 2011, Consolidated Special Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 7, 2011, Consolidated Special Election. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Line 16, by deleting 'Campos, Mar, Avalos, Chiu'; Line 21, by deleting 'Chu, Mar, Kim, Wiener'; on Page 2, Line 10, by deleting 'Chu, Farrell'; and by deleting lines 12-15. The motion carried by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

Motion No. M11-43

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Avalos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTION

110247 [Acceptance of Easement - Stanislaus County - San Joaquin Pipeline System Project]

Resolution approving and authorizing an acceptance of an Easement Deed for a perpetual exclusive easement for the installation, construction, operation, inspection, maintenance, repair, and replacement of water pipelines, utilities and related appurtenances in the real property, being a portion of River Road, located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

03/11/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:26 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR - 1 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, March 29, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

---

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Rules Committee

110169 [Appointment, Transbay Joint Powers Authority - Carter R. Rohan]

Resolution confirming the appointment of Carter R. Rohan, R. A., to serve on the Transbay Joint Powers Authority as an Alternate Member for Nathaniel P. Ford, Sr. (Municipal Transportation Agency)

ADOPTED

110067 [Appointments, Shelter Monitoring Committee - Judy Kerns, Amanda Colson Heier, Maxine Pauson, and Will Daley]

Motion appointing Judy Kerns, Amanda Colson Heier, Maxine Pauson, and Will Daley, terms ending November 23, 2012, to the Shelter Monitoring Committee. (Clerk of the Board)

Motion No. M11-45

APPROVED

110219 [Appointment, Citizens' General Obligation Bond Oversight Committee - Thea Selby]

Motion appointing Thea Selby, term ending November 21, 2012, to the Citizen's General Obligation Bond Oversight Committee. (Clerk of the Board)

Motion No. M11-46

APPROVED

110267 [Appointment, Assessment Appeals Board No. 1 - Mark Watts]
Motion appointing Mark Watts, term ending September 3, 2012, to Assessment Appeals Board No. 1. (Clerk of the Board)

Motion No. M11-47

APPROVED

110272 [Appointment, Assessment Appeals Board No. 2 - Mervin Conlan, and Joyce Lewis]
Motion appointing Mervin Conlan, term ending September 2, 2013, and Joyce Lewis, term ending September 3, 2012, to Assessment Appeals Board No. 2. (Clerk of the Board)

Motion No. M11-48

APPROVED

110306 [Appointments, Veterans Affairs Commission - Eduardo Ramirez, John Caldera, Edwin Wilkerson, Stephen Noetzel, and Regaldo Baldonado]
Motion appointing Eduardo Ramirez, John Caldera, Edwin Wilkerson, Stephen Noetzel, and Regaldo Baldonado, terms ending January 31, 2015, to the Veterans Affairs Commission. (Clerk of the Board)

Motion No. M11-49

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

100962 [Appropriating $1,300,000 of General Fund Reserve - Ethics Commission Public Election Campaign Finance Fund for FY2010-2011]
Sponsors: Avalos; Mirkarimi, Campos and Mar
Ordinance appropriating $1,300,000 of General Fund Reserve for the Ethics Commission in the Public Election Campaign Finance Fund for FY2010-2011.
(Fiscal Impact.)
(Supervisors Chu and Wiener dissented in Committee.)

Supervisor Mar requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

From the Budget and Finance Sub-Committee Without Recommendation

110184 [De-Appropriating $15,479,251 of Market Rate Bond Proceeds and Re-Appropriating to Below Market Rate - Seismic Safety Loan Program - FY2010-2011]

Sponsor: Mayor

Ordinance de-appropriating $15,479,251 of Market Rate General Obligation Bond Proceeds, Series 2007A, and re-appropriating $15,479,251 to the Below Market Rate Seismic Safety Loan Program in the Mayor's Office of Housing for FY2010-2011 and maintaining on Controller's reserve the appropriation equal to the unsold portion of the bonds.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the City Operations and Neighborhood Services Committee Without Recommendation

110283 [Urging Avalon Bay Communities to Utilize Sub-Contractors that Compensate Workers Consistent with Area Standard Wages]

Sponsor: Avalos

Resolution encouraging Avalon Bay Communities to sub-contract all carpentry crafts to a responsible contractor that pays area standard wages and benefits and has a State of California certified apprenticeship program and journeyman upgrade training.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110024 [Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]

Sponsor: Mirkarimi

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110117 [Administrative Code - Publication Requirements]

Sponsor: Mirkarimi

Ordinance amending San Francisco Administrative Code Section 2.97 to define "Summary" for the purpose of publishing "Public Notices."

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110256 [Opposing Elimination of Adult Day Health Center Programs]

Sponsors: Kim; Avalos, Mar, Campos, Mirkarimi and Chiu

Resolution opposing the proposed elimination of Medi-Cal funding for Adult Day Health Center programs in the State of California.
(Supervisor Chu dissented in committee.)

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

110284 [Ten Year Capital Expenditure Plan - FYs 2012-2021]

Sponsors: Mayor; Chiu

Resolution adopting the City's ten year capital expenditure plan for FYs 2012-2021.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Budget and Finance Sub-Committee

110236 [Accept and Expend Grant - Buffer Zone Protection Program - $579,090]

Sponsor: Elsbernd

Resolution authorizing the Department of Emergency Management, for the City and County of San Francisco, as fiscal agent for the Bay Area region, to retroactively accept and expend a FY2008 Buffer Zone Protection Program Grant in the amount of $579,090 from the U.S. Department of Homeland Security through the California Emergency Management Agency to fund critical planning and infrastructure protection needs.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110237 [Approval of TEFRA Hearing for Issuance of Tax-Exempt Revenue Bonds - Episcopal Senior Communities - Not to Exceed $120,000,000]

Sponsor: Farrell

Resolution approving the issuance of tax-exempt revenue bonds, by the ABAG Finance Authority for Nonprofit Corporations, for purposes of Section 147(f) of the Internal Revenue Code in an aggregate principal amount not to exceed $120,000,000 to finance and refinance various capital facilities owned by Episcopal Senior Communities.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110240 [Accept and Expend Grant - Electric Vehicle Charging Equipment - $251,000]

Sponsors: Mayor; Mar

Resolution authorizing the San Francisco Department of the Environment to accept forty seven (47) electric vehicle chargers and three (3) years of service from Coulomb Technologies, Inc., as a sub-award under Grant DE-EE0003391 using Federal Recovery Act Funds from the U.S. Department of Energy to Coulomb for these purposes.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110286 [Accept and Expend Grant - San Francisco Bridge to Success Program - $3,000,000]

Sponsors: Mayor; Mar

Resolution authorizing the Department of Children, Youth and Families to retroactively accept and expend grant funding in the amount of $3,000,000 from the Bill and Melinda Gates Foundation to fund the San Francisco Bridge to Success Program, a partnership between the City and County of San Francisco, City College of San Francisco, and the San Francisco Unified School District, to double the number of low income youth who earn post-secondary credentials by age 26 for the period of August 13, 2010, through August 31, 2013.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110287 [Equipment Lease - 2011 Finance Corporation Equipment Program - Revenue Bonds - Not to Exceed $16,500,000]

Sponsor: Mayor

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an Equipment Lease Supplement No. 17 (Series 2011A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $16,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

101053 [Planning Code - Zoning - Establishing Consistent Setback, Street Frontage, Off-Street Parking, and Other Planning Code Requirements and Procedures Across Various Use Districts]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 136, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 206.3, 209.8, 210.3, 212, 231, 243, 253, 253.2 and 307, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 to: 1) create comprehensive and consistent street frontage controls for residential districts; 2) create consistent ground floor controls for industrial districts; 3) permit certain small corner commercial uses in RM-3 and RM-4 districts; 4) modify floor area ratio controls in the Van Ness Special Use District; 5) modify conditional use requirements for buildings over 40 feet in RM and RC districts; 6) amend the procedure for granting exceptions from off-street parking and loading requirements; 7) allow parking and loading exceptions to preserve historic buildings and landmark trees; 8) make certain Planning Code controls consistent across C-3 Districts; and 9) streamline language and correct out-of-date Code references; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110010 [Planning Code - Zoning - NC-3 District of Fillmore Street between Bush and McAllister Streets]

Sponsor: Mirkarimi

Ordinance: 1) amending Section 145.4 of the San Francisco Planning Code to require active ground-floor commercial uses in properties fronting on Fillmore Street between Bush and McAllister Streets in the NC-3 District; and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110114 [Environment Code - Yellow Pages Distribution Pilot Program]

Sponsors: Chiu; Mar, Mirkarimi, Wiener and Cohen

Ordinance adding Chapter 20 to the Environment Code to establish a three-year pilot program to reduce waste in the distribution of Yellow Pages phone directories to private residences and businesses in San Francisco, and to reduce neighborhood blight, by restricting distribution to circumstances where: 1) there is personal delivery of the directory to a human being, 2) there has been a request for delivery of the directory to the residence or business, or 3) directories are maintained for pick-up at a distribution center or business open to the public; mandating a public outreach program to educate the public about the environmental harms associated with excessive distribution of Yellow Pages phone directories, develop and publicize alternatives to private possession of such directories, and inform the public of the option and means of obtaining such directories; and making environmental findings.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Privilege of the floor was granted to Ted Egan (Controller's Office) who responded to questions raised throughout the discussion.

Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be RE-REFERRED AS AMENDED to the Land Use and Economic Development Committee. Supervisor Elsebernd withdrew his Motion.

Supervisor Chiu, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to May 10, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to Dr. Andre Campell of San Francisco General Hospital in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

110261 [Public Hearing - Appeal of Final Environmental Impact Report - 350 Mission Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1524E, through its Motion No. 18265, for the proposed 350 Mission Street Project. (Appellant: Alex DeGood, on behalf of the owners of 50 Beale Street).
(Filed March 2, 2011; Companion File Nos. 110262,110263,110264.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Hearing be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to April 12, 2011.

110262 [Affirming Certification of 350 Mission Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110263 [Reversing Certification of 350 Mission Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110264 [Preparation of Findings to Reverse Certification of 350 Mission Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

110206 [Public Hearing - Appeal of Final Environmental Impact Report - Parkmerced Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2008.0021E, through its Motion No. 18629, for the proposed Parkmerced Project located at 3711-19th Avenue. (Appellants: Julian P. Lagos, on behalf of Coalition to Save Parkmerced, Filed March 1, 2011; Healani Ting, on behalf of Parkmerced Action Coalition, Filed March 2, 2011; Bernard Choden, on behalf of San Francisco Tomorrow, Filed March 2, 2011; and Maria Elena Guerrero Engber, Filed March 2, 2011).
(Filed March 1 and 2, 2011; Companion to File Nos. 110207, 110208, 110209.)

The President inquired as to whether any member of the public wished to address the Board. Julian Lagos; Eric Brookes; Mitchell Olmerberg; Maria Elena Guerrero Engber (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Bernie Choden; Lora Travelor; Jennifer Clary; Female Speaker; Cathy Lentz; Howard Strassner; Linh Ho; Steve Zeltser; Ben Vagery; James Sodeman; Jean Adams; Lee Parmelee; Andrei Zelentsovsky; Tommi Avicolli-Mecca; Charles Miller; Male Speaker; Female Speaker; Aaron Goodman; Terence Faulkner; Ronaldo Vezzazi; Rose Hillson; Mani Drayton; Judith Flynn; Healani Ting; Michael Russom; Lynn Hambolu; Female Speaker; Kim Arbachen; Mary Miles; Dean Preston; Ted Gullickson; Robley Passalacqua; Mike Vezzali; Jon Kim; Female Speaker; Mary Anne Greb; Sarah Manafee; Mark Gregory; Maria Elena; Mary Delgado; Gail Meadows; John Hivel; Bill Herbert; spoke in support of the appeal. Rick Cooper and Bill Wycko (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Marlena Byrne and Charles Sullivan (City Attorney's Office) and Michael Yarne (Mayor's Office of Economic and Workforce Development) responded to questions raised throughout the discussion. Mary Murphy (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Jeff Fricka; Jim Lazarus; Gina Teichert; Bill Blackwell; Male Speaker; Tony Zhang; Byron Kuth; Mike Theriault; Chris Campbell; Marci Newman; Robert Reid; Avrum Shepard; Linda Corso; Adrian Simi (Carpenter's Local 22); Miriam Fontes; Matthew Fontes; Male Speaker; Danny Campbell; Gordon Reid; Male Speaker; Carl Hansen; Kaleb Adams; Heather Phillips; Ryan Harris; Javier Flores; Troy Martinez; Sylvia Rodriguez; Tom Murphy; Francois Hechinger; Todd Berger; Corey Bray; Pierre Luigi; Ed Reyes; Brook Turner; Ramsey Moureau; Male Speaker; Scotty Thomas; Sergio Garcia; Alex Reyes; Timothy Wright; Alejandro Romero; Mary Beth Sanders; Carol Koppel; Arne Larson; Jim Cooke; Mike Corbett; Otto Duffy; Jesus Villanueva; David Meckel; Brigette LeBlanc; Helen Thomas; Manny Flores; spoke in support of the project and in opposition to the appeal. Eric Brookes; Mitchell Olmerberg; Stuart Flashman; Bernie Choden (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110207 [Affirming Certification of Parkmerced Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110208 [Reversing Certification of Parkmerced Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110209 [Preparation of Findings to Reverse Certification of Parkmerced Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ace Washington; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Eugene Ford; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Edmond Juicye; expressed various concerns.
Male Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110317 [Apply for Grants - Caltrans Transportation Planning]

Sponsors: Mayor; Wiener

Resolution authorizing the San Francisco Planning Department to apply for planning grants from the California Department of Transportation (Caltrans).

ADOPTED

110353 [Multifamily Housing Revenue Indebtedness - Not to Exceed $41,000,000]

Sponsor: Cohen

Resolution declaring the intent of the City and County of San Francisco (City) to: 1) reimburse certain expenditures from proceeds of future indebtedness; 2) authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocations Committee (CDLAC) for an allocation of indebtedness (Allocation) in an aggregate principal amount not to exceed $41,000,000 for Hunters View Phase IA; 3) authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $100,000 in accordance with CDLAC procedures; 4) authorizing the Director to certify to CDLAC that the City has on deposit the required amount; 5) authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to use such Allocation; 6) approving, for purposes of the Internal Revenue Code of 1986, as amended, the execution and delivery of a mortgage revenue note by the City in an aggregate principal amount not to exceed $41,000,000; 7) authorizing and directing the execution of any documents necessary to implement this Resolution; and 8) ratifying and approving any action heretofore taken in connection with the Project as defined herein and the Application as defined herein.

ADOPTED

110354 [Extension of 30 Days for Planning Commission Review - Self-Service Restaurants]

Sponsor: Mirkarimi

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance amending the San Francisco Planning Code by amending Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Wiener requested that File No. 110355 be severed so that it may be considered separately.

110355 [Protection of Safely Produced and Well Managed Youth Events]

Sponsor: Wiener

Resolution calling for the protection of safely produced and well managed youth events, including music oriented events, in the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTION

110304 [Mental Health Services Act FY2011-2012 I Plan Annual Update]

Resolution authorizing adoption of the Mental Health Services Act FY2011-2012 Plan Update for community services and support, prevention and early intervention, workforce education and training, innovation, capital facilities and technological needs, and modification of the Mental Health Services Act Agreement with the California Department of Mental Health, Contract No. 07-77338-000, to include this Annual Update. (Public Health Department)

03/16/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:17 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 5, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

APR - 8 2011

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 1, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

110292 [Accept and Expend Grant - Federal Emergency Operations Center - $800,000]
Sponsor: Farrell
Resolution authorizing the Department of Emergency Management to accept and expend grant funds in the amount of $800,000 from the California Emergency Management Agency for improvements to the City's Emergency Operations Center.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

101053 [Planning Code - Zoning - Establishing Consistent Setback, Street Frontage, Off-Street Parking, and Other Planning Code Requirements and Procedures Across Various Use Districts]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 136, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 206.3, 209.8, 210.3, 212, 231, 243, 253, 253.2 and 307, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 to: 1) create comprehensive and consistent street frontage controls for residential districts; 2) create consistent ground floor controls for industrial districts; 3) permit certain small corner commercial uses in RM-3 and RM-4 districts; 4) modify floor area ratio controls in the Van Ness Special Use District; 5) modify conditional use requirements for buildings over 40 feet in RM and RC districts; 6) amend the procedure for granting exceptions from off-street parking and loading requirements; 7) allow parking and loading exceptions to preserve historic buildings and landmark trees; 8) make certain Planning Code controls consistent across C-3 Districts; and 9) streamline language and correct out-of-date Code references; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

110010 [Planning Code - Zoning - NC-3 District of Fillmore Street between Bush and McAllister Streets]

Sponsor: Mirkarimi

Ordinance: 1) amending Section 145.4 of the San Francisco Planning Code to require active ground-floor commercial uses in properties fronting on Fillmore Street between Bush and McAllister Streets in the NC-3 District; and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

100962 [Appropriating $1,300,000 of General Fund Reserve - Ethics Commission Public Election Campaign Finance Fund for FY2010-2011]

Sponsors: Avalos; Mirkarimi, Campos and Mar

Ordinance appropriating $1,300,000 of General Fund Reserve for the Ethics Commission in the Public Election Campaign Finance Fund for FY2010-2011.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Kim, Mar, Mirkarimi
Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

NEW BUSINESS

Recommendation of the Budget and Finance Committee

110352 [Disproportionate Federal Cuts to the Community Development Block Grant Program]

Sponsors: Mayor; Chu, Avalos, Chiu, Mirkarimi, Kim and Mar

Resolution urging the Federal government to minimize the cuts to the Community Development Block Grant Program proposed by the President and the United States Congress.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Budget and Finance Sub-Committee

110210 [Airline/Airport Lease and Use Agreements - Various Airlines]

Resolution approving leases to the terms of eight (8) new Airline/Airport Lease and Use Agreements between the City and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110318 [Accept and Expend Grant - Used Motor Oil Recycling - $114,138]

Sponsor: Mar

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $114,138 from the California Department of Resources Recycling and Recovery for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Sub-Committee Without Recommendation

110155 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area]

Sponsors: Mayor; Kim, Chiu, Farrell, Cohen, Wiener and Chu

Ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.3 to establish a payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area and requiring persons with an annual payroll expense of over $1,000,000 to enter into a Community Benefits Agreement with the Office of Economic and Welfare Development.
(Fiscal Impact; Economic Impact.)

Supervisor Kim, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Noes: 3 - Avalos, Campos, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

Supervisor Kim was noted absent at 3:15 p.m.

110255 [Endorsing Community Concerns of Surveillance, Racial, and Religious Profiling]

Sponsors: Mirkarimi; Mar, Avalos, Campos and Chiu

Resolution endorsing "Community Concerns of Surveillance, Racial, and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities (AMEMSA) and Potential Reactivation of Police Department's Intelligence Gathering," a report published by the San Francisco Human Rights Commission.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Absent: 1 - Kim

Recommendations of the Land Use and Economic Development Committee

101537 [Planning Code - Urban Agriculture]

Sponsors: Mayor; Chiu, Cohen, Mirkarimi and Mar

Ordinance amending the Planning Code to update controls related to urban agricultural uses by adding Section 102.34 to define urban agriculture, including neighborhood agriculture and large-scale urban agriculture, and amending Sections 204.1, 209.5, 227, 234.1, 234.2, and Articles 7 and 8 to regulate such uses in various zoning districts; and making findings including environmental findings and findings of consistency with General Plan and Section 101.1.

Supervisors Mirkarimi and Mar requested to be added as co-sponsors.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Absent: 1 - Kim

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Absent: 1 - Kim

110313 [Settlement Agreement and Lease Amendment - Forty Niners, Ltd.]

Sponsors: Mayor; Chiu, Cohen and Farrell

Ordinance authorizing a settlement agreement and related lease amendment with the San Francisco Forty Niners, Ltd. (the 49ers) to settle a claim made by the 49ers on June 18, 2010, against the City and County of San Francisco relating to the condition of Candlestick Stadium; exempting any new City policy requirements that the City's Administrative Code would otherwise require for a material amendment to the lease.

Supervisor Farrell requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Absent: 1 - Kim

Supervisor Kim was noted present at 3:24 p.m.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

COMMITTEE REPORT

Recommendation of the Rules Committee

110142 [Appointment, Ethics Commission - Dorothy Liu]

Motion appointing Dorothy Liu, term ending February 1, 2017, to the Ethics Commission. (Clerk of the Board)

Dorothy Liu, seat 1, succeeding Eileen Hansen, term expired, must be broadly representative of the general public, for the unexpired portion of a six-year term ending February 1, 2017.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion FAILED by the following vote:

Ayes: 3 - Avalos, Mar, Mirkarimi
Noes: 8 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Motion No. M11-50

APPROVED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Emil Spousa; expressed concerns relating to botanical garden fees.
David Eldridge; expressed concerns relating to botanical garden fees.
Natesh Daniel; expressed concerns relating to performing arts.
Ace Washington; expressed various concerns.
Male Speaker; expressed various religious concerns.
Edmond Juicye; expressed various concerns.

CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY - Existing Litigation

110331 [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]

Sponsor: Chiu

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

RECONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:12 p.m. to reconvene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:
Melanie Nutter, Director, Department of the Environment
Cheryl Adams, Deputy City Attorney
Vince Chhabria, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard and filed.

RECONVENING OF THE BOARD

The Board at the hour of 5:06 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Farrell, seconded by Supervisor Elsbernd, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110341 [Bishop Otis Charles Day - April 24, 2011]

Sponsor: Wiener

Resolution honoring Otis Charles and proclaiming April 24, 2011, to be Bishop Otis Charles Day in the City and County of San Francisco.

ADOPTED

110371 [Final Map 4343 - Mission Bay]

Motion approving Final Map No. 4343, Mission Bay, a 669 unit residential and 18 unit commercial condominium project within three buildable lots being a subdivision of Assessor's Block No. 8710 Lot No. 4; approving a Public Improvement Agreement related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Pan and Plan Documents. (Public Works Department)

Motion No. M11-51

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110333 [Settlement of Lawsuit - Michael Pinkston - $30,000]

Ordinance authorizing the settlement of lawsuit filed by Michael Pinkston against the City and County of San Francisco for $30,000; the lawsuit was filed on March 24, 2010, in San Francisco Superior Court, Case No. CGC-10-498074, entitled Michael Pinkston v. City and County of San Francisco, et al. (City Attorney)

03/22/11; RECEIVED AND ASSIGNED to Rules Committee.

110334 [Transportation Code - Limits for Parking at Inoperable/Broken Meters]

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking. (Municipal Transportation Agency)

03/28/11; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/5/2011.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:07 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 12, 2011 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

APR 14 2011

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisor Mar was noted absent. There was a quorum.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 8, 2011, and the Special Meeting Minutes at the Budget & Finance Committee Meeting (File No. 100962) of March 9, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Absent: 1 - Mar

Supervisor Mar was noted present at 2:11 p.m.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

110342 [Formal Policy Discussions - April 12, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. What policies and ideas do you propose to create a framework where all neighborhoods and business districts get assistance and advantages in terms of job creation and community benefits? Additionally, how will you ensure the greatest possible community participation in the creation of a community benefits agreement in midmarket and any other community? (Supervisor Mar, District 1)

2. How do you view the relative levels of cuts that will be required in major areas of City government - for example, public health, public safety, social services, and parks - and the extent to which you plan to identify new revenues to close our significant deficit? (Supervisor Chiu, District 3)

3. Governor Brown's Bill, AB 109, shifts responsibility for housing tens of thousands of inmates to municipalities, but local funds do not exist to handle the additional inmates. What are your ideas for how San Francisco should deal with this issue? (Supervisor Mirkarimi, District 5)

4. What are your thoughts on reforms to City employee pensions, health care, and retiree health care? (Supervisor Elsbernd, District 7)

5. Given your recent tour and subsequent conversations we have had over the Balboa Park Station Area, what are your plans to develop and help realize the area as a true, full service transit hub that adequately services the residents and users, as opposed to its current priority by the City and SFMTA as a maintenance facility? (Supervisor Avalos, District 11)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

There were no items.

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Sub-Committee Without Recommendation

110155 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area]

Sponsors: Mayor; Kim, Chiu, Farrell, Cohen, Wiener and Chu

Ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.3 to establish a payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area and requiring persons with an annual payroll expense of over $1,000,000 to enter into a Community Benefits Agreement with the City Administrator. (Fiscal Impact; Economic Impact.)

Supervisor Kim, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Noes: 3 - Avalos, Campos, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101537 [Planning Code - Urban Agriculture]

Sponsors: Mayor; Chiu, Cohen, Mirkarimi and Mar

Ordinance amending the Planning Code to update controls related to urban agricultural uses by adding Section 102.34 to define urban agriculture, including neighborhood agriculture and large-scale urban agriculture, and amending Sections 204.1, 209.5, 227, 234.1, 234.2, and Articles 7 and 8 to regulate such uses in various zoning districts; and making findings including environmental findings and findings of consistency with General Plan and Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110313 [Settlement Agreement and Lease Amendment - Forty Niners, Ltd.]

Sponsors: Mayor; Chiu, Cohen and Farrell

Ordinance authorizing a settlement agreement and related lease amendment with the San Francisco Forty Niners, Ltd. (the 49ers) to settle a claim made by the 49ers on June 18, 2010, against the City and County of San Francisco relating to the condition of Candlestick Stadium; exempting any new City policy requirements that the City's Administrative Code would otherwise require for a material amendment to the lease.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

110225 [Park Code - Botanical Garden Non-Resident Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: 1) extend admission fees to the Botanical Garden for non-San Francisco residents beyond June 30, 2011; and 2) eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings.
(Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Avalos, Campos

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: 1) extend admission fees to the Botanical Garden for non-San Francisco residents until September 30, 2013; and 2) eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110113 [Appropriating $143,445 of General Fund Property Transfer Tax and Reducing Botanical Garden Fee Revenue for FY2010-2011]

Sponsor: Avalos

Ordinance appropriating $143,445 of General Fund from new property transfer tax and reducing botanical garden fee revenues, which will be rescinded as of the effective date of this ordinance, in the Department of Recreation and Park for FY2010-2011.

PASSED ON FIRST READING. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Mar, Mirkarimi
Noes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Recommendations of the Budget and Finance Sub-Committee

110349 [Accept and Expend Grant - Office of Financial Empowerment Direct Deposit Program - Citywide Electronic Pay and Amendment to the Annual Salary Ordinance for FY2010-2011 - $240,000]

Sponsor: Campos

Ordinance authorizing the Office of the Treasurer-Tax Collector to accept and expend a grant in the amount of $240,000 from the Earned Assets Resource Network for implementing the Office of Financial Empowerment Direct Deposit Program, and amending Ordinance 191-10 (Annual Salary Ordinance, FY2010-2011) to provide for the creation of one (1) grant-funded position in the Office of Financial Empowerment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110223 [Public Works Code - Waiver of Street Encroachment Permit Fees - Stairway Improvements on 48th Avenue at Balboa Street]

Sponsor: Mar

Ordinance waiving the Street Encroachment Permit Fees in Public Works Code Section 2.1.1 and Public Works Code Sections 786 et seq. for stairway improvements on the unaccepted stairway located on the western side of 48th Avenue between Balboa and Anza Streets.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110350 [Annual Reports - Yerba Buena Community Benefit District]

Sponsor: Kim

Resolution regarding Yerba Buena Community Benefit District Annual Reports to the City by receiving and approving the District's Annual Reports for FYs 2008-2009 and 2009-2010, which include the District's proposed budget for FY2010-1011, as submitted, pursuant to Section 36650 of the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110351 [Authorizing Expenditures from SOMA Community Stabilization Fund - $100,000]

Sponsors: Mayor; Kim

Resolution authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization funds in the amount of $100,000 to provide grants to nonprofit organizations for: 1) a SOMA Community Coordinator to coordinate and focus community participation related to the development of 333 Harrison; 2) assistance in reassessing and refining the SOMA Community Stabilization Fund Strategic Plan.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110147 [General Plan Amendment - Mission District Streetscape Plan]
Ordinance amending the San Francisco General Plan by amending Policy 5.3.7 of the Mission Area Plan to reflect the adoption of the Mission District Streetscape Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Cathy Chin in recognition of National Safety Telecomminicator's Week and for being named Department of Emergency Management's Employee of the Year. Anne Kronenberg, Department of Emergency Management Director, shared in the recognition.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Eagle Tavern in recognition of their accomplishments and continued community support. Supervisors Campos and Wiener shared in the recognition.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Ruth Mahaney, Kate Maxwell, and C. Kermit Berry-Skillen of the Modern Times Bookstore in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd was noted absent at 4:42 p.m.

110261 [Public Hearing - Appeal of Final Environmental Impact Report - 350 Mission Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1524E, through its Motion No. 18265, for the proposed 350 Mission Street Project. (District 6) (Appellant: Alex DeGood, on behalf of the owners of 50 Beale Street).
(Filed March 2, 2011; Companion File Nos.110262,110263,110264.)

The President inquired as to whether any member of the public wished to address the Board. Alex DeGood (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Marc Gille; Walter Paulson; spoke in support of the appeal. Brett Bollinger (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Dan Frattin (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. There were no speakers in support of the project and in opposition to the appeal. Alex DeGood (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110262 [Affirming Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Motion No. M11-53

Supervisor Kim, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Elsbernd

110263 [Reversing Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Supervisor Kim, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Elsbernd

110264 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Supervisor Kim, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Elsbernd

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd was noted present at 5:33 p.m.
Supervisors Avalos, Elsbernd, Farrell, and Kim were noted absent at 6:47 p.m.
Supervisor Kim was noted present at 6:54 p.m.
Supervisor Avalos was noted present at 7:03 p.m.
Supervisors Elsbernd and Farrell were noted present at 7:08 p.m.

110307 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 1653 Grant Avenue (aka 501 Greenwich Street)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 3, 2010, that a project located at 1653 Grant Avenue (aka 501 Greenwich Street) (Building Permit Application No. 2009.0626.1437, Case No. 2010.0557D) is exempt from environmental review under Categorical Exemption, Class 3 of the CEQA Guidelines (14 Cal. Code Reg Public §15000 et seq.) The proposed project involves installation of a wireless telecommunications service facility to an existing building. The subject property is located in the RM-2 (Residential, Mixed Districts, Moderate-Density) District, the Telegraph Hill-North Beach Residential Special Use District and a 40-X Height and Bulk District, Lot No. 001 in Assessor's Block No. 0088 (District 3) (Appellants: Julie Jaycox and Termeh Yeghiazarian, on behalf of the Telegraph Hill Dwellers). (Clerk of the Board)
(Filed March 4, 2011 - Companion Measure to Files 110308, 110309, 110310.)

The President inquired as to whether any member of the public wished to address the Board. Julie Jaycox and Termeh Yeghiazarian (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Victoria Robinson; Vedica Puri; Joan Wood; Female Speaker; Walter Paulson; David; Zack Stewart; Eric Brooks; Dave Vanka; Daniel Marshall; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Marlena Byrne, Deputy City Attorney, responded to questions raised throughout the discussion. Paul Albritton and Bill Hammett (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Tommy Tang; Ann Yuey; David; Joel Koppel; Geoffrey Winston; Ivria Benor; Jeff Ente; James Bishop; Regina Vana; Carl Hilsz; Marcia Smith; Female Speaker; Steve Ike; Ron Lee; Mike Leon; Marsha Garland; Stefan; David Cruise; Edmund Juicye; Rebekah Shapiro; Jose; Shirley; Mark Leace; spoke in support of the project and in opposition to the appeal. Julie Jaycox and Termeh Yaghiazarian (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110308 [Affirming the Exemption Determination - 1653 Grant Street]

Motion affirming the determination by the Planning Department that the project located at 1653 Grant Street is exempt from environmental review. (Clerk of the Board)

Motion No. M11-54

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 2 - Mar, Mirkarimi

110309 [Reversing the Exemption Determination - 1653 Grant Street]

Motion reversing the determination by the Planning Department that the 1653 Grant Street project is exempt from environmental review. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 2 - Mar, Mirkarimi

110310 [Preparation of Findings to Reverse the Exemption Determination - 1653 Grant Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 1653 Grant Street is exempt from environmental review. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 2 - Mar, Mirkarimi

COMMITTEE REPORT

Recommendation of the Land Use and Economic Development Committee

110410 [Opposing the Golden Gate National Recreation Area's Draft Off-Leash Policy]

Sponsor: Wiener

Resolution putting the San Francisco Board of Supervisors on record as opposing the Golden Gate National Recreation Area's preferred alternatives for dog management.

Supervisor Wiener, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED to April 26, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisors Elsbernd, Farrell, and Mirkarimi were noted absent at 7:42 p.m.
Supervisors Elsbernd and Farrell were noted present at 7:57 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Susan Terrence; expressed support for California Poets in the Schools Day.
Susan Herran; expressed support for California Poets in the Schools Day.
Eric Oesterle; expressed concerns relating to the pending closure of the Eagle Tavern.
Michael Talley; expressed concerns relating to the pending closure of the Eagle Tavern.
Anaconda; expressed concerns relating to the pending closure of the Eagle Tavern.
Dee Leitner; expressed concerns relating to the pending closure of the Eagle Tavern.
Brian Morris; expressed concerns relating to the pending closure of the Eagle Tavern.
Peter Kane; expressed concerns relating to the pending closure of the Eagle Tavern.
Brian Morris; expressed concerns relating to the pending closure of the Eagle Tavern.
Wayne Heiss; expressed concerns relating to the pending closure of the Eagle Tavern.
Edmund Juicye; expressed various concerns.

CLOSED SESSION

110420 [Closed Session - Pension, Health Care, and Retiree Health Care Reform]

Sponsor: Chiu

Motion for the Board of Supervisors to convene in closed session to consult with the Mayor and City's Labor Relations Negotiators for the purpose of reviewing the City's positions and the Mayor's instructions to the Negotiators relating to: (a) pension, health care, and retiree health care reform proposals, and the meet and confer process regarding wages, hours, benefits, and working conditions currently underway between the City and City employee bargaining units to address the costs associated with providing these benefits; and (b) pending labor negotiations with organizations representing employees in the two MOUs expiring June 30, 2011 (e.g., District Attorney Investigators Association and Committee on Interns and Residents), as well as the Unrepresented Ordinance.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Motion No. M11-52

Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

(Employee Organizations: Automotive Machinists, Local 1414; Committee on Interns and Residents; Crafts Coalition; District Attorney Investigators Association; Deputy Probation Officers' Assoc.; District Attorneys' Investigators Assoc.; Deputy Sheriffs Association; Electricians, Local 6; Fire Fighters, Local 798; International Federation of Professional and Technical Engineers, Local 21; Institutional Probation Officers' Assoc.; Laborers, Local 261; Local 1414; Local 21; Municipal Attorneys' Association; Municipal Executives' Association; Operating Engineers Local 3; Plumbers, Local 38; Police Officers' Association; Service Employees International Union, Local 1021; Stationary Engineers, Local 39; Supervising Probation Officers' Assoc.; Supervising Registered Nurses; Teamsters Local 350; Teamsters Local 856; Union of American Physician and Dentists.) These organizations represent police officers, firefighters, airport police, transit workers, nurses, miscellaneous employees, and other City employees.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 2:42 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:
Mayor Edwin M. Lee
Steve Kawa, Mayor's Chief of Staff
Greg Wagner, Mayor's Budget Director
Micki Callahan, Director of Department of Human Resources
Martin Gran, Director of Employee Relations
Ben Rosenfield, Controller
Cheryl Adams, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard in Closed Session and Filed.

RECONVENING OF THE BOARD

The Board at the hour of 3:42 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110412 [Fare Schedule for Pedicabs Operated by SF Student Jobs Coalition]

Sponsor: Chiu

Resolution approving the fare schedule for pedcabs operated by SF Student Jobs Coalition.

ADOPTED

110413 [Accept and Expend Grant - Joint Use School Facilities Project - $23,000]

Sponsors: Chu; Mar

Resolution authorizing the Department of Children, Youth, and Families to retroactively accept and expend grant funding in the amount of $23,000 from the California Department of Public Health to fund a collaborative project with the San Francisco Unified School District to develop a policy related to the joint use of school district facilities that will benefit the school district, city, and community by increasing access to space where educational, health, social services, sports, recreation, and other activities can be provided for the period of September 15, 2010, through January 31, 2012.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

110414 [Accept and Expend Grant - Forensic Science Improvements - $35,393]

Sponsor: Elsbernd

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a Paul Coverdell Forensic Science Improvement Grant in the amount of $35,393 from the California Emergency Management Agency.

ADOPTED

110415 [California Poets in the Schools Day - April 16, 2011]

Sponsors: Mar; Chiu

Resolution declaring April 16, 2011, as California Poets in the Schools Day in San Francisco.

ADOPTED

110416 [Supporting Upward Bound Project]

Sponsors: Mirkarimi; Mar

Resolution in support of the Upward Bound Project and affirming the City's continuing need for such a program, urging the University of San Francisco (USF) to use its best efforts to maintain the Upward Bound Program on the USF Campus thereby assuring that Upward Bound retains its eligibility to receive Federal funds.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 110411 be severed so that it may be considered separately.

110411 [Supporting California Assembly Bill 889 - Domestic Worker Bill of Rights]
Sponsors: Avalos; Mar
Resolution urging the California legislature and the Governor of California to pass Assembly Bill 889, the "Domestic Worker Bill of Rights," as an expression of respect for the dignity and equality of domestic workers and the importance of the work they perform.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Absent: 1 - Mirkarimi

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110397 [General Plan Amendments - 2009 Housing Element Update]
Ordinance amending the San Francisco General Plan by adopting the 2009 Housing Element as the Housing Element of the San Francisco General Plan; making findings, including environmental findings and findings of consistency with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

04/04/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/4/2011.

PROPOSED RESOLUTIONS

110396 [Airport Lease Agreement - Asiana Airlines, Ltd - Building 648]
Resolution approving and authorizing the execution of Lease No. 11-0049 with Asiana Airlines, Inc., for cargo warehouse and support office space to be occupied by Asiana Airlines, Inc., in Building 648 at the San Francisco International Airport. (Airport Commission)

03/30/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:05 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR 19 2011

SAN FRANCISCO
PUBLIC LIBRARY

Friday, April 15, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Special Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: David Campos, David Chiu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll, Supervisors Avalos and Chu were noted absent. There was a quorum.

Supervisors Avalos and Chu Excused from Voting

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that Supervisors Avalos and Chu be excused from voting. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 2 - Avalos, Chu

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

REGULAR AGENDA

Recommendation of the Rules Committee

Supervisor Mirkarimi Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Kim, moved that Supervisor Mirkarimi be excused from voting on File No. 110391. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Avalos, Chu, Mirkarimi

110391 [Nomination, California Coastal Commission - Supervisor Ross Mirkarimi]

Motion nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission. (Clerk of the Board)

Motion No. M11-55

APPROVED by the following vote:

Ayes: 8 - Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Avalos, Chu, Mirkarimi

PUBLIC COMMENT

There were no speakers.

Supervisor Avalos was noted present at 2:04 p.m.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:05 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT
APR 22 2011
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, April 19, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

---

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 15, 2011, and Special Board Meeting Minutes of March 15, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

110223 [Public Works Code - Waiver of Street Encroachment Permit Fees - Stairway Improvements on 48th Avenue at Balboa Street]

Sponsor: Mar

Ordinance waiving the Street Encroachment Permit Fees in Public Works Code Section 2.1.1 and Public Works Code Sections 786 et seq. for stairway improvements on the unaccepted stairway located on the western side of 48th Avenue between Balboa and Anza Streets.

FINALLY PASSED

110349 [Accept and Expend Grant - Office of Financial Empowerment Direct Deposit Program - Citywide Electronic Pay and Amendment to the Annual Salary Ordinance for FY2010-2011 - $240,000]

Sponsor: Campos

Ordinance authorizing the Office of the Treasurer-Tax Collector to accept and expend a grant in the amount of $240,000 from the Earned Assets Resource Network for implementing the Office of Financial Empowerment Direct Deposit Program, and amending Ordinance 191-10 (Annual Salary Ordinance, FY2010-2011) to provide for the creation of one (1) grant-funded position in the Office of Financial Empowerment.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100913 [Liquor License - 620 Treat Avenue]

Resolution determining that the issuance of a Type 75 on-sale general brew-pub liquor license to Anthony LaVia for Southern Pacific Brewing, LLC, located at 620 Treat Avenue (District 9), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)

ADOPTED

110160 [Accept and Expend Grant - Arelious Walker Drive Stairway Improvement Project - $1,109,000]

Sponsor: Cohen

Resolution authorizing the Department of Public Works to accept and expend a federal grant in the amount of $1,109,000 from the Metropolitan Transportation Commission for the Arelious Walker Drive Stairway Improvement Project.

ADOPTED

110177 [Liquor License Transfer - 803-805 Howard Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 220 4th Street to 803-805 Howard Street (District 6) to Anuar I. Abuarafeh for A-Z Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)

ADOPTED

110178 [Liquor License - 863 Mission Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Jeremy Ogor for Artist Ally, dba Bar Madira, located at 863 Mission Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)

ADOPTED

110338 [Accept and Expend Grant - Palace of Fine Arts Parking Mitigation Project - Not to Exceed $1,000,000]

Sponsor: Farrell

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant administered by the San Francisco County Transportation Authority in the amount not to exceed $1,000,000 for the Palace of Fine Arts Parking Mitigation Project.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

110147 [General Plan Amendment - Mission District Streetscape Plan]

Ordinance amending the San Francisco General Plan by amending Policy 5.3.7 of the Mission Area Plan to reflect the adoption of the Mission District Streetscape Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

110247 [Acceptance of Easement - Stanislaus County - San Joaquin Pipeline System Project]

Resolution approving and authorizing an acceptance of an Easement Deed for a perpetual exclusive easement for the installation, construction, operation, inspection, maintenance, repair, and replacement of water pipelines, utilities and related appurtenances in the real property, being a portion of River Road, located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

Recommendations of the Rules Committee

110382 [Appointments - Urban Forestry Council - J. Malcolm Hillan and Megan Sutherland]

Motion appointing J. Malcolm Hillan and Megan Sutherland, to the Urban Forestry Council, terms ending November 18, 2012. (Clerk of the Board)

J. Malcolm Hillan, seat 1, succeeding himself, term expired, must represent an educational organization involved with tree management (University of California Cooperative Extension, etc.,) for the unexpired portion of a two-year term ending November 18, 2012.

Megan Sutherland, seat 3, succeeding Jocelyn Cohen, resigned, must be certified by a professional tree management organization (International Society of Arboriculture, American Society of Consulting Arborists, or American Society of Landscape Architects,) for the unexpired portion of a two-year term ending November 18, 2012.

Motion No. M11-56

APPROVED

110389 [Appointments, In-Home Supportive Services Public Authority - Mike Boyd and Alice Wong]

Motion appointing Mike Boyd and Alice Wong, to the In-Home Supportive Services Public Authority, terms ending March 1, 2014. (Clerk of the Board)
Mike Boyd, seat 1, succeeding himself, term expired, must be a consumer over the age of 55 years, authorized to represent organizations that advocate for aging people with disabilities, for the unexpired portion of a three-year term ending March 1, 2014.
Alice Wong, seat 13, succeeding herself, term expired, must be a consumer at-large who is 18 years of age or older, for the unexpired portion of a three-year term ending March 1, 2014.

Motion No. M11-57

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Sub-Committee Without Recommendation

110155 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area]

Sponsors: Mayor; Kim, Chiu, Farrell, Cohen, Wiener and Chu

Ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.3 to establish a payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area and requiring persons with an annual payroll expense of over $1,000,000 to enter into a Community Benefits Agreement with the City Administrator. (Fiscal Impact; Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 8 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Noes: 3 - Avalos, Campos, Mirkarimi

From the Budget and Finance Committee Without Recommendation

110225 [Park Code - Botanical Garden Non-Resident Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: 1) extend admission fees to the Botanical Garden for non-San Francisco residents until September 30, 2013; and 2) eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

NEW BUSINESS

Recommendation of the Land Use and Economic Development Committee

110153 [Administrative Code - Residential Rent Ordinance - Temporary Good Samaritan Occupancy/Reduced Rent After Emergency Tenant Dislocation, Just Cause Eviction or Higher Rent at End of Period]

Sponsors: Wiener; Farrell and Chiu

Ordinance amending Administrative Code Chapter 37 Residential Rent Arbitration and Stabilization Ordinance, by amending Sections 37.2(a) and 37.9 to provide for temporary Good Samaritan occupancy with reduced rent rate and, upon expiration of the temporary Good Samaritan Status, to provide that the landlord may either evict the tenant for just cause or increase the rent to a previously agreed base rent rate; Section 37.2 by adding Subsection 37.2(a)(1)(D) to permit creation of temporary Good Samaritan Status when a landlord and new tenant agree in writing for the tenant to commence occupancy following an emergency such as fire, earthquake, landslide or similar emergency situation that required unexpected vacation of the tenant's previous unit, and the agreement includes a reduced rent rate for a specified period of time up to twelve (12) months, which may be extended for a combined total of no more than twenty-four (24) months; Good Samaritan Status may be utilized only upon written certification by a specified City Official, that identifies the emergency and the resulting unit vacation on grounds of public health, safety, and habitability; and Section 37.9 by adding Subsection 37.9(a)(16) to permit eviction for just cause upon expiration of the Original Good Samaritan Status period plus any Extended Good Samaritan Status Period.

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Mar was noted absent for the remainder of the meeting.

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Cohen, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Absent: 1 - Mar

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Mia Too Much in recognition of her accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

110373 [Public Hearing - Conditional Use Appeal - 1268 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 17, 2011, Conditional Use Authorization identified as Planning Case No. 2009.1029C, by its Motion No. 18279, under Planning Code Sections 209.1 and 303 to allow new construction of four dwelling units at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District, on property located at 1268 Lombard Street, Lot No. 015 in Assessor's Block No. 0500. (District 2)
(Appellant: Marvin Frankel, on behalf of the Russian Hill Neighbors)
(Filed March 21, 2011; Companion Measure to File Nos. 110374, 110375, and 110376.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Farrell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to May 3, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Absent: 1 - Mar

The President CONTINUED the Hearing open to May 3, 2011.

110374 [Approving Planning Commission Decision Related to Conditional Use Application - 1268 Lombard Street]

Motion approving decision of the Planning Commission by its Motion No. 18279, approving Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 3, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Absent: 1 - Mar

110375 [Disapproving Planning Commission Decision Related to Conditional Use Application - 1268 Lombard Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18279, approving Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 3, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Absent: 1 - Mar

110376 [Preparation of Findings Related to the Conditional Use Application - 1268 Lombard Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street.

Supervisor Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 3, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Absent: 1 - Mar

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns.
Eugene Gordon, Jr.; expressed various concerns.
Dale Seymour; expressed concerns relating to City's infrastructure.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110440 [Armenian Genocide Commemoration Day - April 24, 2011]

Sponsors: Elsbernd; Chiu

Resolution declaring April 24, 2011, as Armenian Genocide Commemoration Day in San Francisco.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED

110441 [Extension of 90 Days for Planning Commission Review - 2301 Market Street]

Sponsor: Wiener

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code by amending Sectional Map HT07 of the Zoning Map of the City and County of San Francisco to: rezone the property located at 2301 Market Street on the corner of Market and Noe Streets from a 50-X height and bulk limit to a 65-X height and bulk limit; making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

110445 [Supporting California Assembly Bill 877 - Non-Felony Vehicle Code Violations]

Sponsor: Mirkarimi

Resolution supporting Assembly Bill 877, which would remove one of the major barriers to self sufficiency for formerly incarcerated people by increasing their chances of obtaining a drivers license.

ADOPTED

110403 [Committee of the Whole - Redevelopment Right-of-Way Improvements - Arelious Walker Drive Stairway]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on April 26, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds in an amount not to exceed $61,500 for contract administration, construction bid management, and project closeout for City owned public right-of-way improvements for the Arelious Walker Drive Stairway in the Bayview Hunters Point Redevelopment Project Area.

Motion No. M11-58

APPROVED

110406 [Committee of the Whole - Redevelopment Improvements - Bayview Opera House and Plaza]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on April 26, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds to provide: 1) a $400,000 grant to the San Francisco Arts Commission for structural, seismic and disabled-accessibility renovations to the Bayview Opera House; and 2) a $785,000 grant to the San Francisco Municipal Transportation Agency for Plaza improvements to the Bayview Opera House; in the Bayview Hunters Point Redevelopment Project Area.

Motion No. M11-59

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTION

110424 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

04/07/11; ASSIGNED to Board of Supervisors.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:04 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

APR 29 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, April 26, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of March 22, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

110409 [Accept and Expend Grant - GreenFinanceSF - $372,600]

Sponsor: Mar

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $372,600 from the California Energy Commission's State Energy Program through Ecology Action to support GreenFinanceSF.

ADOPTED

110153 [Administrative Code - Residential Rent Ordinance - Temporary Good Samaritan Occupancy/Reduced Rent After Emergency Tenant Dislocation, Just Cause Eviction or Higher Rent at End of Period]

Sponsors: Wiener; Farrell and Chiu

Ordinance amending Administrative Code Chapter 37 Residential Rent Arbitration and Stabilization Ordinance, by amending Sections 37.2(a) and 37.9 to provide for temporary Good Samaritan occupancy with reduced rent rate and, upon expiration of the temporary Good Samaritan Status, to provide that the landlord may either evict the tenant for just cause or increase the rent to a previously agreed base rent rate; Section 37.2 by adding Subsection 37.2(a)(1)(D) to permit creation of temporary Good Samaritan Status when a landlord and new tenant agree in writing for the tenant to commence occupancy following an emergency such as fire, earthquake, landslide or similar emergency situation that required unexpected vacation of the tenant's previous unit, and the agreement includes a reduced rent rate for a specified period of time up to twelve (12) months, which may be extended for a combined total of no more than twenty-four (24) months; Good Samaritan Status may be utilized only upon written certification by a specified City Official, that identifies the emergency and the resulting unit vacation on grounds of public health, safety, and habitability; and Section 37.9 by adding Subsection 37.9(a)(16) to permit eviction for just cause upon expiration of the Original Good Samaritan Status period plus any Extended Good Samaritan Status Period.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

110410 [Opposing the Golden Gate National Recreation Area's Currently Proposed Draft Off-Leash Policy and Supporting the On-Going Dialogue between GGNRA and San Francisco]

Sponsors: Wiener; Avalos

Resolution putting the San Francisco Board of Supervisors on record as opposing the Golden Gate National Recreation Area's preferred alternatives for dog management.

Supervisor Avalos requested to be added as a co-sponsor.

Supervisor Wiener, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener

Noes: 1 - Elsbernd

Resolution putting the San Francisco Board of Supervisors on record as opposing the Golden Gate National Recreation Area's currently proposed preferred alternatives for dog management and supporting the on-going dialogue between GGNRA and San Francisco to achieve an improved plan.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion FAILED by the following vote:

Ayes: 2 - Elsbernd, Mirkarimi
Noes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Wiener

Supervisor Chu moved to divide the question located on Page 3, Lines 24 and 25, through Page 4, Lines 1 through 10.

The question PASSED as divided by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

NEW BUSINESS

Recommendation of the Budget and Finance Sub-Committee

110339 [Lease Renewal - 1449 Webster Street]
Sponsor: Mirkarimi
Resolution authorizing the exercise of an option to extend the lease of 3,900 sq. ft. at 1449 Webster Street for three years for the Office of Economic and Workforce Development Employment Assistance Programs.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110222 [Public Works Code - Declaring Illegal Dumping on Public Property a Nuisance, and Providing a Mechanism for Abating and Enforcing that Nuisance]
Sponsors: Cohen; Chu, Avalos, Campos and Mar
Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1505 to: 1) declare the illegal dumping of debris and waste construction materials or industrial materials, or of more than 100 pounds of any other waste, refuse, or debris, on public property to be a public nuisance; 2) authorize enforcement by the City Attorney in a civil action; and 3) permit the City and County of San Francisco to collect civil penalties, costs of abatement, investigation, and attorneys' fees against the individuals or entities responsible for the dumping; and making environmental findings.

Supervisor Cohen, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisors Chu, Avalos, Campos, and Mar requested to be added as co-sponsors.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110280 [Public Works Code, Police Code - Posting of Signs on City Property, Increasing Penalty, and Enforcement]

Sponsors: Mirkarimi; Wiener and Mar

Ordinance amending the San Francisco Public Works Code by amending Sections 184.62, 184.63, and 184.65 thereof, to: 1) increase the minimum criminal penalty for violations of Article 5.6 of the Public Works Code from $50 to $100; 2) amend the procedures for administrative enforcement of Article 5.6 of the Public Works Code and specify the amounts of administrative penalties; 3) provide that in any civil action or administrative proceeding to enforce Article 5.6 the City shall have the burden of proof; 4) provide that where an unlawfully posted sign proposes a commercial transaction, the fact that the sign identifies a person or entity may give rise to an inference that person or entity posted or caused the posting of the sign; and 5) amending the Police Code by amending Section 39-1 thereof, to provide that that Section shall not apply to administrative citations issued under Public Works Code Section 184.63.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110404 [Public Hearing - Redevelopment Right-of-Way Improvements - Arelious Walker Drive Stairway]

Sponsor: Cohen

Hearing of persons interested in or objecting to proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds in an amount not to exceed $61,500 for contract administration, construction bid management, and project closeout for City owned public right-of-way improvements for the Arelious Walker Drive Stairway in the Bayview Hunters Point Redevelopment Project Area.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 110405. Lila Hussain (Redevelopment) provided an overview of the improvements. Walter Paulson; shared in song certain concerns with the Board. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110405 [Arelious Walker Drive Stairway Improvements]

Sponsor: Cohen

Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds in an amount not to exceed $61,500 for contract administration, construction bid management, and project closeout for City owned public right-of-way improvements for the Arelious Walker Drive Stairway in the Bayview Hunters Point Redevelopment Project Area.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110407 [Public Hearing - Redevelopment Improvements - Bayview Opera House and Plaza]

Sponsor: Cohen

Hearing of persons interested in or objecting to proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds to provide: 1) a $400,000 grant to the San Francisco Arts Commission for structural, seismic and disabled-accessibility renovations to the Bayview Opera House; and 2) a $785,000 grant to the San Francisco Municipal Transportation Agency for Plaza improvements to the Bayview Opera House; in the Bayview Hunters Point Redevelopment Project Area.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 110408. Vanessa Dandridge (Redevelopment) and Judy Nezcoff (Arts Commission) provided an overview of the improvements. Ace Washington; Barbara Ockel; spoke in support of the improvements. Walter Paulson; shared in song certain concerns with the Board. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110408 [Redevelopment Improvements to the Bayview Opera House and Plaza]

Sponsor: Cohen

Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds to provide: 1) a $400,000 grant to the San Francisco Arts Commission for structural, seismic and disabled-accessibility renovations to the Bayview Opera House; and 2) a $785,000 grant to the San Francisco Municipal Transportation Agency for Plaza improvements to the Bayview Opera House; in the Bayview Hunters Point Redevelopment Project Area.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the Members of the Community Board in recognition of their 35th anniversary, accomplishments, and continued community support.

SPECIAL ORDER 4:00 P.M.

110344 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - AT&T Network "Lightspeed" Upgrade]

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 22, 2011, Case No. 2010.0944E, that a project located on La Playa Street between Cabrillo and Fulton Streets, is exempt from environmental review under Categorical Exemption, Class 3 (State CEQA Guidelines Section 1503). The proposed project involves placing additional fiber through AT&T's existing copper conduit currently used for telephone lines, and the installation of metal, either tan or light green, 51.7-inches-wide by 26-inches-deep by 48-inches-high communications cabinets in the public right-of-way to house the Lightspeed electronics. (Appellant: Milo Hanke, on behalf of San Francisco Beautiful and the Planning Association for the Richmond)

(Filed March 14, 2011; Companion Measure to File Nos. 110345, 110346, and 110347.)

The President inquired as to whether any member of the public wished to address the Board. Raymond Holland and Susan Brandt-Howley (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Curt Holzinger; Milo Hanke; Lawrence Rosenfeld; Peter Fortune; Jane Winslow; Jan Blum; Merle Goldstone; Linda Chapman; Rudy Rucker; Dana Sniezko; Eric Honda; Karen Crommie; Gary Weiss; Judith Hoyam; David Troup; David Pilpel; David Crommie; Jake McGoldrick; spoke in support of the appeal. Lisa Gibson (Planning Department) provided an overview of the project and the decision of the Planning Department. John Kwong (Department of Public Works); John Malamut (City Attorney's Office); Cheryl Adams (City Attorney's Office) responded to questions raised throughout the discussion. Ken McNeely, Mark Blake, and Amanda Monchamp (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Matt Regan; Tony Harris; Neil Bardack; Jeff Mondon; Ashley Cheng; Male Speaker; Female Speaker; Robert Longer; Roland Anderson; Male Speaker; Calvin Chan; Anthony Brewster; Brian Webster; Female Speaker; Erik Butler; Rodney Hampton Jr.; Cardell Coleman Sr.; Latasha Beasley; Female Speaker; Female Speaker; Constance Harris; Sharika Loreay; Dennis Tam; Susan Finnegan; Female Speaker; Niema Hawkins; Michael Colaneri; Mary; Eric Batongbacal; Terri Knight; spoke in support of the project and in opposition to the appeal. Susan Brandt-Howley (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110345 [Affirming the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

110346 [Reversing the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

110347 [Preparation of Findings to Reverse the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

COMMITTEE REPORTS

Recommendations of the Rules Committee

Supervisor Campos Excused from Voting

Supervisor Farrell, seconded by Supervisor Kim, moved that Supervisor Campos be excused from voting on File No. 110276. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110276 [Appointment, Metropolitan Transportation Commission - Supervisor David Campos]

Motion appointing Supervisor David Campos, term ending February 10, 2015, to the Metropolitan Transportation Commission. (Clerk of the Board)

Motion No. M11-60

APPROVED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110394 [Confirming Reappointment, Municipal Transportation Agency Board of Directors - Jerry Lee]

Sponsor: Mayor

Motion confirming the reappointment of Jerry Lee, term ending March 1, 2015, to the Municipal Transportation Agency Board of Directors.

Motion No. M11-61

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the City Operations and Neighborhood Services Committee

110434 [Public Works Code - Waiver of Certain Temporary Street Space Occupancy Fees]

Sponsor: Avalos

Ordinance waiving San Francisco Public Works Code Section 724.1(b), which imposes temporary street space occupancy fees, on Saturday, May 7, 2011, and Saturday, May 21, 2011, for certain streets in San Francisco, as part of Small Business Week Sidewalk Sales.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to EIR and timeframes.
Ace Washington; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110466 [Supporting the Creation of the Health Information Exchange]

Sponsors: Chiu; Campos

Resolution supporting the creation of the Health Information Exchange in the City and County of San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

110467 [Accept and Expend Grant - Jefferson Street Redesign - $65,000]

Sponsor: Chiu

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of $65,000 from the Association of Bay Area Governments for the period April 1, 2011, through January 1, 2012, in order to complete 30% design documents for the redesign of Jefferson Street from Powell Street to Hyde Street.

ADOPTED

110469 [Building Safety Month - May 2011]

Sponsor: Wiener

Resolution proclaiming May 2011 as "Building Safety Month" in the City and County of San Francisco.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 110468 be severed so that it may be considered separately.

110468 [Supporting SB 729 - California Homeowner Protection Act]
Sponsors: Mirkarimi; Cohen and Campos
Resolution supporting Senate Bill 729, "The California Homeowner Protection Act."

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to May 2, 2011. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Campos, seconded by Supervisor Mar, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED to May 3, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110481 [Settlement of Lawsuit - Da Ren Kuang, et al. - $1,556,000]
Ordinance authorizing settlement of the lawsuit filed by Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate Of Xiu Fang Huang against the City and County of San Francisco for $1,556,000; the lawsuit was filed on July 30, 2010, in San Francisco Superior Court, Case No. CGC 10-502052; entitled Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate Of Xiu Fang Huang v. City and County of San Francisco, et al. (City Attorney)

04/12/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110478 [Approval of FY2011-2012 Expenditure Plan for the Human Services Care Fund]

Resolution approving the FY2011-2012 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

04/20/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110479 [Approval of Modification No. 1 of Lease and Use Agreement L-10-0084 with Emirates at San Francisco International Airport]

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Use Agreement L-10-0084 with Emirates for lounge space in the International Terminal, Boarding Area A, of San Francisco International Airport. (Airport Commission)

04/11/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110480 [Settlement of Unlitigated Claim - Alain Jimenez - $105,000]

Resolution approving the settlement of the unlitigated claim filed by, Alain Jimenez against the City and County of San Francisco for $105,000; claim was filed on June 11, 2010. (City Attorney)

04/12/11; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:47 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT
MAY
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, May 3, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 29, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

110434 [Public Works Code - Waiver of Certain Temporary Street Space Occupancy Fees]
Sponsor: Avalos

Ordinance waiving San Francisco Public Works Code Section 724.1(b), which imposes temporary street space occupancy fees, on Saturday, May 7, 2011, and Saturday, May 21, 2011, for certain streets in San Francisco, as part of Small Business Week Sidewalk Sales.

FINALLY PASSED

110304 [Mental Health Services Act FY2011-2012 Plan Annual Update]

Resolution authorizing adoption of the Mental Health Services Act FY2011-2012 Plan Update for community services and support, prevention and early intervention, workforce education and training, innovation, capital facilities and technological needs, and modification of the Mental Health Services Act Agreement with the California Department of Mental Health, Contract No. 07-77338-000, to include this Annual Update. (Public Health Department)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

110280 [Public Works Code, Police Code - Posting of Signs on City Property, Increasing Penalty, and Enforcement]

Sponsors: Mirkarimi; Wiener and Mar

Ordinance amending the San Francisco Public Works Code by amending Sections 184.62, 184.63, and 184.65 thereof, to: 1) increase the minimum criminal penalty for violations of Article 5.6 of the Public Works Code from $50 to $100; 2) amend the procedures for administrative enforcement of Article 5.6 of the Public Works Code and specify the amounts of administrative penalties; 3) provide that in any civil action or administrative proceeding to enforce Article 5.6 the City shall have the burden of proof; 4) provide that where an unlawfully posted sign proposes a commercial transaction, the fact that the sign identifies a person or entity may give rise to an inference that person or entity posted or caused the posting of the sign; and 5) amending the Police Code by amending Section 39-1 thereof, to provide that that Section shall not apply to administrative citations issued under Public Works Code Section 184.63.

FINALLY PASSED

Recommendations of the Rules Committee

110432 [Appointment, San Francisco Health Authority - Brenda Yee]

Motion appointing Brenda Yee, term ending January 15, 2014, to the San Francisco Health Authority, residency requirement waived. (Clerk of the Board)
Brenda Yee, seat 2, succeeding Randy Wittorp, term expired, must be a nominee of Hospital Council of Northern California, for the unexpired portion of a three-year term ending January 15, 2014, residency requirement waived.

Motion No. M11-62

APPROVED

110433 [Appointment, Medical Cannabis Task Force - Stewart Rhoads]

Motion appointing Stewart Rhoads, term ending July 16, 2013, to the Medical Cannabis Task Force. (Clerk of the Board)
Stewart Rhoads, seat 14, new appointment, must be a person with a background in providing medical cannabis to permitted medical cannabis dispensaries located in the City and County of San Francisco, for a term ending July 16, 2013.

Motion No. M11-63

APPROVED

110446 [Appointments, Pedestrian Safety Advisory Committee - John Lowell, Pi Ra, Richard Rothman, Mari Hunter, and Jay Lee]

Motion appointing John Lowell, term ending March 28, 2012, and Pi Ra, Richard Rothman, Mari Hunter, and Jay Lee terms ending March 28, 2013, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)
Pi Ra, seat 2, succeeding himself, term expired, must be a representative from pedestrian safety organizations, for the unexpired portion of a two-year term ending March 28, 2013.
Richard Rothman, seat 3, succeeding himself, term expired, must be a representative from senior or disability organizations, for the unexpired portion of a two-year term ending March 28, 2013.
John Lowell, seat 4, succeeding Helen Kwan, term expired, must be a representative from senior or disability organizations, for the unexpired portion of a two-year term ending March 28, 2012.
Mari Hunter, seat 5, succeeding herself, term expired, must be a representative from bicycle or other non-motorized wheeled personal transport organization, for the unexpired portion of a two-year term ending March 28, 2013.
Jay Lee, seat 9, succeeding himself, term expired, must represent the public at-large, for the unexpired portion of a two-year term ending March 28, 2013.

Motion No. M11-64

APPROVED

110451 [Appointment, Children and Families First Commission - Mary Hansell]

Motion appointing Mary Hansell, for an indefinite term, to the Children and Families First Commission, residency requirement waived. (Clerk of the Board)
Mary Hansell, seat 1, succeeding Twila Brown, retired, must be the Director of Public Health or his/her designee, for an indefinite term, residency requirement waived.

Motion No. M11-65

APPROVED

110460 [Appointment, SRO Task Force - Joyce Lam]

Motion appointing Joyce Lam, term ending December 31, 2012, to the SRO Task Force. (Clerk of the Board)
Joyce Lam, seat 8, succeeding Matthias Mormino, resigned, must be a representative of the Families SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2012.

Motion No. M11-66

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

110222 [Public Works Code - Declaring Illegal Dumping on Public Property a Nuisance, and Providing a Mechanism for Abating and Enforcing that Nuisance]

Sponsors: Cohen; Chu, Avalos, Campos and Mar

Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1505 to: 1) declare the illegal dumping of debris and waste construction materials or industrial materials, or of more than 100 pounds of any other waste, refuse, or debris, on public property to be a public nuisance; 2) authorize enforcement by the City Attorney in a civil action; and 3) permit the City and County of San Francisco to collect civil penalties, costs of abatement, investigation, and attorneys' fees against the individuals or entities responsible for the dumping; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

110151 [Appropriating $6,995,000 of State Loans - West Marina Yacht Harbor Renovations for FY2010-2011]

Sponsor: Farrell

Ordinance appropriating $6,995,000 of loan funding from the California Department of Boating and Waterways for the renovation of the West Harbor of the San Francisco Marina Yacht Harbor in the Department of Recreation and Park for FY2010-2011.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110396 [Airport Lease Agreement - Asiana Airlines, Ltd - Building 648]

Resolution approving and authorizing the execution of Lease No. 11-0049 with Asiana Airlines, Inc., for cargo warehouse and support office space to be occupied by Asiana Airlines, Inc., in Building 648 at the San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110439 [Accept and Expend Grant - U.S. Department of Housing and Urban Development Economic Development Initiative Special Projects - $750,000]

Sponsors: Mayor; Cohen

Resolution authorizing the Director of the Mayor's Office of Housing to accept and expend an Economic Development Initiative Special Projects Grant from the U.S. Department of Housing and Urban Development in a total amount of $750,000 to assist with the redevelopment of the Sunnydale public housing site into a mixed-income community.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the City Operations and Neighborhood Services Committee

110281 [Public Works Code, Administrative Code, and Health Code - Consolidate Existing Department of Public Works' Nuisance Enforcement, Abatement, and Cost Collection Processes]

Sponsors: Mirkarimi; Wiener

Ordinance amending portions of the San Francisco Public Works Code, Administrative Code, and Health Code to: 1) consolidate and streamline Department of Public Works' enforcement, abatement, and cost collection processes for public nuisances, including amendments to Administrative Code Chapter 80, Sections 80.3 and 80.8, Public Works Code Sections 170, 174.1, 707.1, 727, 735, and Health Code Article 6, Section 291.2; 2) repealing Public Works Code Sections 174.2 through 174.13, 728 through 734, and 735.1 through 735.4; 3) renumbering Public Works Code Section 707.1 as 706.9; and 4) to make environmental and other required findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110200 [Liquor License Transfer - 3132 Clement Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 612 Kearny Street to 3132 Clement Street (District 1), to Garfield Beach CVS LLC, dba CVS Pharmacy, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions. (Clerk of the Board)
(Supervisor Avalos dissented in Committee.)

ADOPTED by the following vote:

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Avalos

Recommendation of the Land Use and Economic Development Committee

110314 [Street Vacation - Resolution of Intention - Joe DiMaggio Playground Master Plan - Mason Street]

Sponsors: Mayor; Chiu

Resolution declaring the intention of the Board of Supervisors to vacate the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; and setting the hearing date for June 7, 2011, at 3:00 p.m. for all persons interested in the proposed vacation of said public right-of-way.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Public Safety Committee

110402 [Accept and Expend Grant - Community Oriented Policing Services - $750,000]

Sponsor: Cohen

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2010 Community Oriented Policing Services Grant in the amount of $750,000 from the United States Department of Justice for the period December 16, 2009, to December 15, 2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

Supervisor Cohen Excused from Voting

Supervisor Chu, seconded by Supervisor Avalos, moved that Supervisor Cohen be excused from voting on File No. 110393. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Cohen

110393 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Malia Cohen]

Motion appointing Supervisor Malia Cohen, term ending June 30, 2012, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M11-67

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Cohen

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Farrell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ASIAN PACIFIC AMERICAN HERITAGE MONTH
Privilege of the flloor was granted to Claudine Cheng; Chair, Asian Pacific Heritage, who provided an overview of Asian Pacific Heritage Month. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Asian Pacific American Heritage Month, their accomplishments, and their continued community support as referenced below:

Supervisor Mar recognized Angela Tang (Richmond Area Multi-Services, Inc.); and
Supervisor Farrell recognized Maria Matsu (Various Community Groups) and Alexander Ong (Betelnut Restaurant); and
Supervisor Chiu recognized Wing Hoo Leung (Community Tenants Association); and
Supervisor Chu recognized Martin Lam (Sunset District Goodwill); and
Supervisor Mirkarimi recongized Rodney Chin (Buchanan YMCA); and
Supervisor Kim recognized Steve Li (ASPIRE); and
Supervisor Elsbernd recognized Mary Jung (DCCC); and
Supervisor Wiener recognized Gordon Chin (Chinatown Community Development Center); and
Supervisor Campos recognized Shirley Chen (Portola Neighborhood Steering Committee); and
Supervisor Cohen recognized Neo Veavea (Visitation Valley); and
Supervisor Avalos recognized Florence Kong (Kwan Wo Ironworks, Inc.).

SPECIAL ORDER 4:00 P.M.

110373 [Public Hearing - Conditional Use Appeal - 1268 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 17, 2011, Conditional Use Authorization identified as Planning Case No. 2009.1029C, by its Motion No. 18279, under Planning Code Sections 209.1 and 303 to allow new construction of four dwelling units at a density ratio up to one dwelling unit for each 1,000 square feet of lot area in the RH-3 (Residential, House, Three-Family) District and the 40-X Height and Bulk District, on property located at 1268 Lombard Street, Lot No. 015 in Assessor's Block No. 0500. (District 2)
(Appellant: Marvin Frankel, on behalf of the Russian Hill Neighbors)
(Filed March 21, 2011; Companion Measure to File Nos. 110374, 110375, and 110376.)

Supervisor Farrell provided an overview further indicating that the appellant and project sponsor have reached a compromise. Specifically, the appellant agrees not to challenge the project provided the Board impose additional conditions on the project. The President inquired as to whether any member of the public wished to address the Board. Marvin Frankel (Appellant) agreed to the agreement and waived the opportunity to make any additional comments or presentations. There were no speakers in support of the appeal. Toby Morris (Project Sponsor) agreed to the agreement and waived the opportunity to make any additional comments or presentations. There were no speakers in support of the project and in opposition to the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110374 [Approving Planning Commission Decision Related to Conditional Use Application - 1268 Lombard Street]

Motion approving decision of the Planning Commission by its Motion No. 18279, approving Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110375 [Disapproving Planning Commission Decision Related to Conditional Use Application - 1268 Lombard Street]

Motion disapproving decision of the Planning Commission by its Motion No. 18279, approving Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion No. M11-69

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110376 [Preparation of Findings Related to the Conditional Use Application - 1268 Lombard Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.1029C on property located at 1268 Lombard Street.

Motion No. M11-70

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
David Pilpel; expressed various concerns.
Abdallah Megahed; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Maggie Scott; expressed concerns relating to human services and solving child homicides and violence in the community.
Male Speaker; expressed concerns relating to human services and solving child homicides and violence in the community.
Male Speaker; expressed various religious concerns.
Allan Craigle; expressed various concerns.

CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY - Potential Litigation

110522 [Closed Session - Parkmerced Development Project]

Sponsor: Elsbernd

Motion that Board of Supervisors convene in closed session on May 3, 2011, with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding threatened litigation, potentially arising out of the proposed Parkmerced Development Project, where City may be either defendant or plaintiff in at least one case in either instance.

This closed session is permitted by Government Code Section 54956.9(b), and Administrative Code Section 67.10(d)(2).

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. David Pilpel spoke in opposition to convening in closed session. There were no other speakers. The President declared public comment closed.

Motion No. M11-68

Supervisor Wiener, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 2:59 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Kristen Jensen, Deputy City Attorney
Charles Sullivan, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

The Board reconvened as the Board of Supervisors at the hour of 3:32 p.m. At the hour of 4:52 p.m. the Board reconvened in closed session with the same attendance.

Matter was heard in Closed Session and Filed.

RECONVENING OF THE BOARD

The Board at the hour of 5:11 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Farrell, seconded by Supervisor Kim, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110468 [Supporting SB 729 - California Homeowner Protection Act]

Sponsors: Mirkarimi; Cohen and Campos

Resolution supporting Senate Bill 729, "The California Homeowner Protection Act."

ADOPTED

110521 [Perinatal Depression Awareness Month - May]

Sponsor: Chu

Resolution declaring every May as Perinatal Depression Awareness Month in the City and County of San Francisco and encouraging improvements in the screening and treatment of perinatal depression.

ADOPTED

110422 [Committee of the Whole - Hearing on the Report of Assessment Costs for Blighted Properties]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 10, 2011, at 3:00 p.m., to hold a public hearing on the resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

Motion No. M11-71

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110537 [Settlement of Lawsuit - Stephanie Davis - $45,000]

Ordinance authorizing settlement of the lawsuit filed by Stephanie Ann Davis against the City and County of San Francisco for $45,000; the lawsuit was filed on January 5, 2010, in San Francisco Superior Court, Case No. CGC-10-495809; entitled Stephanie Ann Davis, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

04/25/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110536 [Airport Lease Agreement - XpresSpa SF International, LLC and ILJ San Francisco, LLC]

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Airport Spa Lease No. 06-0242 with XpresSpa SF International, LLC; and Amendment No. 2 to Technology Stores and Accessories Lease No. 07-0108 with ILJ San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/28/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110538 [Lease of Property - MTA's Transit Management Center - 1455 Market Street]

Resolution authorizing the lease of 39,573 sq. ft. at 1455 Market Street for ten years plus options to extend for the San Francisco Municipal Transportation Agency's Transit Management Center. (Real Estate Department)

04/22/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110539 [Settlement of Claim - Tadhge Conway - $250,000]

Resolution approving the settlement of the unlitigated claim filed by, Tadhge Conway against the City and County of San Francisco for $250,000; the claim was filed on July 22, 2010, Claim No. 11-00169. (City Attorney's Office)

04/25/11; RECEIVED AND ASSIGNED to Rules Committee.

110541 [Lease Agreement for Operation and Maintenance of Public Wireless-Fidelity System at San Francisco International Airport]

Resolution approving the Lease Agreement for Operation and Maintenance of Public Wireless-Fidelity System at San Francisco International Airport between Advanced Wireless Group, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/19/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110542 [Airport Lease Agreement - J. Avery Enterprises]

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0192 with J. Avery Enterprises dba Klein's Deli, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/28/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:13 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, May 10, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY 12 2011

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of April 5, 2011, and Special Meeting Minutes at the Budget & Finance Committee Meeting (File Nos. 110225 and 110113) of April 6, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, regarding the 2010 biennial census data, and from Ben Rosenfield, Controller, regarding the Deferred Retirement Option Program. There were no other communications.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

110545 [Formal Policy Discussions - May 10, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 2, 4, 6, 8, and 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. What, if any, are the status of discussions with the San Francisco 49ers to keep them in our City, and with the Golden State Warriors to potentially draw them to San Francisco? (Supervisor Farrell, District 2)

2. The Board of Supervisors has considered, and is in the process of considering, several proposals to attract and to keep large businesses in our City. How do you think our City can proactively help smaller businesses in our many local business corridors? (Supervisor Chu, District 4)

3. In 1989, voters approved San Francisco's Sanctuary City Ordinance which prohibits our Police Department and local government officials from assisting in the prosecution of immigration enforcement unless it is absolutely required under Federal or State law. In 2009, this body, under Supervisor Campos' leadership, passed-by a supermajority-a clarification to that ordinance to prohibit our law enforcement from reporting undocumented youths unless they are convicted of a felony. To date, this ordinance has not been followed by the City. What is your plan to implement this Ordinance to prohibit the Juvenile Probation Department from reporting undocumented youths at the time of arrest? (Supervisor Kim, District 6)

4. We in San Francisco do a very good job building market rate housing and, while we need to do more, we build almost 80% of our state goal for low-income housing. We do a poor job building moderate income housing, meeting only 12% of our state goal. Since middle-income housing is not reported separately from market rate housing, it is unknown how much middle- income housing we produce. Implementing our local hiring ordinance will be very difficult if we don't produce the needed moderate and middle income housing for these local hires. How do you propose increasing the amount of housing affordable to middle income people, so that we can house our workforce locally? (Supervisor Wiener, District 8)

5. The Potrero Power Plant ceased operations on February 28, 2011, a day that came after many years of work and struggle involving the City and many community partners. Now that the closure of the plant has been achieved, the dialogue must shift to the objectives of cleaning-up, and ultimately, reusing the site. Much of the responsibility for remediating the site lies with the Pacific Gas and Electric Company. What will be your approach to ensure that this clean-up is achieved in a timely manner? How can the Mayor's Office help drive the process of remediation and redevelopment forward? (Supervisor Cohen, District 10)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Budget and Finance Sub-Committee

110151 [Appropriating $6,995,000 of State Loans - West Marina Yacht Harbor Renovations for FY2010-2011]

Sponsor: Farrell

Ordinance appropriating $6,995,000 of loan funding from the California Department of Boating and Waterways for the renovation of the West Harbor of the San Francisco Marina Yacht Harbor in the Department of Recreation and Park for FY2010-2011.
(Fiscal Impact.)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

110281 [Public Works Code, Administrative Code, and Health Code - Consolidate Existing Department of Public Works' Nuisance Enforcement, Abatement, and Cost Collection Processes]

Sponsors: Mirkarimi; Wiener and Cohen

Ordinance amending portions of the San Francisco Public Works Code, Administrative Code, and Health Code to: 1) consolidate and streamline Department of Public Works' enforcement, abatement, and cost collection processes for public nuisances, including amendments to Administrative Code Chapter 80, Sections 80.3 and 80.8, Public Works Code Sections 170, 174.1, 707.1, 727, 735, and Health Code Article 6, Section 291.2; 2) repealing Public Works Code Sections 174.2 through 174.13, 728 through 734, and 735.1 through 735.4; 3) renumbering Public Works Code Section 707.1 as 706.9; and 4) to make environmental and other required findings.

Supervisor Cohen requested to be added as a co-sponsor.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

110114 [Environment Code - Yellow Pages Distribution Pilot Program]

Sponsors: Chiu; Mar, Mirkarimi, Wiener and Cohen

Ordinance adding Chapter 20 to the Environment Code to establish a three-year pilot program to reduce waste in the distribution of Yellow Pages phone directories to private residences and businesses in San Francisco, and to reduce neighborhood blight, by restricting distribution to circumstances where: 1) there is personal delivery of the directory to a human being, 2) there has been a request for delivery of the directory to the residence or business, or 3) directories are maintained for pick-up at a distribution center or business open to the public; mandating a public outreach program to educate the public about the environmental harms associated with excessive distribution of Yellow Pages phone directories, develop and publicize alternatives to private possession of such directories, and inform the public of the option and means of obtaining such directories; and making environmental findings.
(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

110330 [Administrative Code - Public Work Construction Contractor/Subcontractor Appeal Hearing Procedures for Non-Compliance with Prevailing Wage Requirements]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code, Section 6.22, Public Work Construction Contract Terms and Working Conditions, by amending Subsection 6.22(E)(8) to further delineate due process procedures for administrative hearings on appeals by public work contractors and/or subcontractors from a Certification of Forfeiture made by the City's Labor Standards Enforcement Officer or responsible department head for non-compliance with prevailing wage requirements; and to additionally conform distribution of forfeiture provisions to State law.

Supervisor Chiu, seconded by Supervisor Chu, moved that this Ordinance be AMENDED on Page 10, Lines 5-8, specifying that Administrative Law Judges will require at least 10 year's employment with the City as an Administrative Law Judge, including two year's experience in labor law, prevailing wage, and or wage and hour matters.

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110436 [Public Employment - Office of the Public Defender]

Sponsor: Mirkarimi

Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of 0.25 Social Worker in the Office of the Public Defender.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110520 [Accept and Expend Grant - Electric Vehicle Infrastructure - $100,000]

Sponsors: Mayor; Mar

Resolution authorizing the San Francisco Department of the Environment to accept and expend a grant of $100,000 from the Bay Area Air Quality Management District to contribute to the cost of installing 60 publicly available electric vehicle chargers.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Sub-Committee Without Recommendation

100920 [Finding of Fiscal Feasibility - Cruise Terminal Project at Pier 27]

Resolution finding the proposed cruise terminal project at Pier 27 is fiscally feasible pursuant to Administrative Code Chapter 29. (Port)
(Supervisor Kim dissented in Committee.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Budget and Finance Committee

110437 [Appropriating $6,209,064 of General Fund Reserve and Re-Appropriating $2,821,843 for Salaries, Disability, and Workers' Compensation - Sheriff's Department for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $6,209,064 of General Fund Reserve and re-appropriating $2,821,843 of expenditure contingency and debt service savings to fund salary expenditures due to fewer retirements than anticipated, disability pay, and workers' compensation claims in the Sheriff's Department for Fiscal Year 2010-2011.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110423 [Public Hearing - Report of Assessment Costs for Blighted Properties]

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or abatement of blighted conditions ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

The President inquired as to whether any member of the public wished to address the Board. Kenny Bruce (Department of Public Works) provided an overview of the assessments. Arthur Brayson; Maddy Olivey; Diana Lau; Blake Williams; Kevin Gilrad; Male Speaker; Male Speaker; Larry Williams; George Lasalle; Brian Maloney; Frank; Male Speaker; Dolan; Walter Paulson; Male Speaker; spoke objecting to the proposed assessments. Kenny Bruce (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110424 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Kenny Bruce (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment:
1098 Hollister Avenue
1452 Bush Street
1461 Pine Street
1600 Irving Street
2250 Irving Street
2374 Mission Street
688 Commercial Street
745 Sutter Street
873 Sutter Street
907 Larkin Street
1482 Jackson Street
875 Bush Street
667 Monterey Boulevard

The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 110424, were received without objection.

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Kim, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Human Service Agency's Job Club in recognition of their work supporting clients prepare for employment.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Rob Daniels (SFUSD) on behalf of the Young at Arts Festival in recognition of their accomplishments and continued community support. Antigone Trimis and Susan Stauter shared in the recognition.

SPECIAL ORDER 4:00 P.M.

110452 [Public Hearing - Appeal of Final Environmental Impact Report - 2004 and 2009 Housing Elements]

Hearing of persons interested in or objecting to the decision of the Planning Commission's March 24, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2007.1275E, through its Motion No. 18307, for the 2004 and 2009 Housing Elements (Citywide). (Appellant: Kathryn R. Devincenzi, on behalf of various organizations.)
(Filed April 12, 2011; Companion to File Nos. 110453, 110454, and 110455.)

The President inquired as to whether any member of the public wished to address the Board. Kathryn Devincenzi (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. David Bisho; Patricia Vaughey; Geoff Wood; Anne Harvey; Susan Land; Rose Hillson; Dan Levinson; Ken Hoegger; Marilyn Amini; Mark Soloman; Matt Chamberlain; Karen Breslin; Joyce Goode; Barbara Morgan-Zanni; Barbara Wanvig; Nancy Leavens; Barbara Howard; Moral Kirshinval; Paul Wermer; Bob Bardell; Serena Bardell; Hirushi Fukuda; Joan Girardot; George Webbing; Judy Burkowitz; Karen Wood; Former Supervisor John Bardis; spoke in support of the appeal. Sarah Jones and Jessica Range (Planning Department) provided an overview of the decision of the Planning Department. John Rahaim, Planning Department Director, Sarah Jones, Jessica Range, and Sarah Dennis-Phillips (Planning Department), and Audrey Pearson (City Attorney's Office) responded to questions raised throughout the discussion. Tim Colen; spoke in support of the decision of the Planning Department. Kathryn Devincenzi (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110453 [Affirming Certification of Final Environmental Impact Report - 2004 and 2009 Housing Elements]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2004 and 2009 Housing Elements. (Clerk of the Board)

Motion No. M11-72

Supervisor Kim, seconded by Supervisor Wiener, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

110454 [Reversing Certification of Final Environmental Impact Report - 2004 and 2009 Housing Elements]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2004 and 2009 Housing Elements. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Wiener, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

110455 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 2004 and 2009 Housing Elements]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2004 and 2009 Housing Elements. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Wiener, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Eugene Gordon, Jr.; expressed various concerns.
Maggie Scott; expressed concerns relating to human services and solving child homicides and violence in the community.
Paul Maher; expressed concerns relating to disinfection in the workplace.
Male Speaker; expressed concerns relating to elder abuse.
Ace Washington; expressed various concerns.
Male Speaker; expressed various religious concerns.
Bobbi Lopez; expressed concerns relating to implementation of the sanctuary policy.
Patricia Vaughey; expressed concerns relating to human rights.
Scott Pfiefer; expressed concerns relating to blighted properties.
Male Speaker; expressed concerns relating to Local Homeless Coordinating Board and potential appointments.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110566 [Honoring the Mother of the Children's Fund, Margaret Brodkin, on the 20th Anniversary of the Children's Fund]

Sponsor: Avalos

Resolution honoring Margaret Brodkin as the "Mother of the Children's Fund" on the occasion of the 20th Anniversary of the Children's Fund, in the City and County of San Francisco.

ADOPTED

110567 [Accept and Expend Grant - Infertility Prevention Project Training Program - $41,892]

Sponsor: Chu

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of $41,892 from the California Family Health Council to fund the Infertility Prevention Project Training Program for the period of July 1, 2011, through December 31, 2011.

ADOPTED

110569 [Merced Branch Library Grand Reopening]

Sponsor: Elsbernd

Resolution recognizing the Grand Reopening of the Merced Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

ADOPTED

110570 [Execution of Homeland Security Grants]

Sponsor: Mayor

Resolution authorizing designated City and County of San Francisco officials to execute and file, on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security, and sub-granted through the State of California under various grant programs, including: 1) FY2011 Homeland Security Grant Program, for the FY2011 Urban Areas Security Initiative grant; 2) FY2011 Regional Catastrophic Preparedness Grant Program; 3) FY2011 State Homeland Security Grant Program (which includes the Metropolitan Medical Response System and Citizen Corps Programs); 4) FY2011 Emergency Management Performance Grant; and 5) Public Law 112-10.

ADOPTED

110510 [Committee of the Whole - Purchase/Sale Agreement and Ground Lease - East Side of Arelious Walker Drive, at Gilman, and 5800 Third Street - May 17, 2011]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on May 17, 2011, at 3 p.m., to hold a public hearing of the proposals of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider the proposed Purchase and Sale Agreement between the Redevelopment Agency of the City and County of San Francisco (San Francisco Redevelopment Agency) and McCormack Baron Salazar, Inc., a Missouri corporation (MBS), for the sale to MBS of Assessor's Parcel No. 4884, Lot No. 27, located at the east side of Arelious Walker Drive, at Gilman Avenue, conditioned upon MBS's receipt of a Choice Neighborhoods Initiative Grant Award from the U.S. Department of Housing and Urban Development for the revitalization of Alice Griffith Public Housing, pursuant to the provisions of the California Community Redevelopment Law Section 33433 and a Resolution to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 5800 Third Street, Assessor's Parcel No. 5431A-042, to Bayview Supportive Housing, LLC., a California limited liability company, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

Motion No. M11-73

APPROVED

110514 [Committee of the Whole - Ground Lease Agreement - 1075 LeConte Avenue, Commonly Known at 6600 Third Street - May 17, 2011]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on May 17, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 1075 Le Conte Avenue, Assessor's Parcel No. 009-5476, commonly known as 6600 Third Street (Property), to Third & LeConte Associates, LP, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

Motion No. M11-74

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110482 [Planning Code - Miscellaneous Technical Amendments]

Ordinance amending the San Francisco Planning Code to (1) correct clerical errors, make language revisions and update Sections 121.2, 134, 136.1, 142, 185, 201, 204.1, 204.2, 205, 205.1, 205.3, 207.2, 209.3, 217, 243, 303, 309, 311, 312, 317, 602.25, 602.26, 607.1, and various Sections and Tables in Articles 7 and 8, and (2) adopt findings, including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

04/28/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/9/2011.

PROPOSED RESOLUTIONS

110485 [Official Advertising, FY2011-2012]

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for all official advertising (Type 1 and Type 2) for FY2011-2012. (Office of Contract Administration)

05/02/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110487 [Authorizing the Office of Contract Administration to Amend its Contract with En Pointe Technology Sales Inc., to Increase the Contract Amount to $28,000,000]

Resolution authorizing the Office of Contract Administration to enter into the First Amendment between the City and En Pointe Technology Sales Inc. ("En Pointe", part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $24,000,000 to $28,000,000 and update certain standard contractual clauses. (Office of Contract Administration)

04/28/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:49 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAY 20 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, May 17, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:15 p.m. On the call of the roll, Supervisor Campos was noted absent. There was a quorum.

Supervisor Campos Excused from Voting

Supervisor Mar, seconded by Supervisor Farrell, moved that Supervisor Campos be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of April 12, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

110437 [Appropriating $6,209,064 of General Fund Reserve and Re-Appropriating $2,821,843 for Salaries, Disability, and Workers' Compensation - Sheriff's Department for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $6,209,064 of General Fund Reserve and re-appropriating $2,821,843 of expenditure contingency and debt service savings to fund salary expenditures due to fewer retirements than anticipated, disability pay, and workers' compensation claims in the Sheriff's Department for Fiscal Year 2010-2011.

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the Budget and Finance Sub-Committee

110436 [Public Employment - Office of the Public Defender]

Sponsor: Mirkarimi

Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of 0.25 Social Worker in the Office of the Public Defender.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

110518 [Accept and Expend Grant - Cesar Chavez Sewer System Improvement - $669,000]

Sponsor: Cohen

Resolution authorizing the Public Utilities Commission to accept and expend a grant administered by the U.S. Environmental Protection Agency in the amount of $669,000 for the Cesar Chavez Sewer System Improvement Project.

ADOPTED

110519 [Accept and Expend Grant - Brown Grease Recovery and Biofuel Demonstration Project - $951,500]

Sponsor: Mar

Resolution authorizing the Public Utilities Commission to retroactively accept and expend a grant administered by the U.S. Department of Energy in the amount of $951,500 to conduct a brown grease recovery and biofuel demonstration project.

ADOPTED

Recommendations of the Public Safety Committee

110508 [Accept and Expend Grant - Homeland Security Grant Program - $2,094,667]
Sponsor: Chiu
Resolution authorizing the Department of Emergency Management to retroactively accept and expend a Homeland Security Grant Program Grant in the amount of $2,094,667 from the United States Department of Homeland Security, through the California Emergency Management Agency, for disaster planning.

ADOPTED

110509 [Accept and Expend Grant - Medical Examiner Accreditation Support - $116,589]
Sponsor: Chu
Resolution authorizing the Office of the Chief Medical Examiner to accept and expend a grant in the amount of $116,589 from the Paul Coverdell Forensic Science Improvement Grants Program of the California Emergency Management Association for accreditation support.

ADOPTED

Recommendations of the Rules Committee

110333 [Settlement of Lawsuit - Michael Pinkston - $30,000]
Ordinance authorizing the settlement of lawsuit filed by Michael Pinkston against the City and County of San Francisco for $30,000; the lawsuit was filed on March 24, 2010, in San Francisco Superior Court, Case No. CGC-10-498074, entitled Michael Pinkston v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

110481 [Settlement of Lawsuit - Da Ren Kuang, et al. - $1,556,000]
Ordinance authorizing settlement of the lawsuit filed by Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate of Xiu Fang Huang against the City and County of San Francisco for $1,556,000; the lawsuit was filed on July 30, 2010, in San Francisco Superior Court, Case No. CGC 10-502052; entitled Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate Of Xiu Fang Huang v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

110480 [Settlement of Unlitigated Claim - Alain Jimenez - $105,000]
Resolution approving the settlement of the unlitigated claim filed by Alain Jimenez against the City and County of San Francisco for $105,000; claim was filed on June 11, 2010. (City Attorney)

ADOPTED

110492 [Appointment, Eastern Neighborhood Citizens Advisory Committee - Oscar Grande]

Motion appointing Oscar Grande, term ending October 19, 2011, to the Eastern Neighborhood Citizens Advisory Committee. (Clerk of the Board)
Oscar Grande, seat 9, succeeding Matthias Mormino, resigned, must be nominated by District 9 Supervisor and confirmed by the full Board, for the unexpired portion of a two-year term ending October 19, 2011.
110493 - Vera Haile, seat 8, succeeding herself, term expired, must be nominee of District 1 Supervisor, for the unexpired portion of a two-year term ending March 31, 2013.

Motion No. M11-75

APPROVED

110493 [Appointment, Commission on the Aging Advisory Council - Vera Haile]

Motion appointing Vera Haile, term ending March 31, 2013, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Motion No. M11-76

APPROVED

110498 [Appointments, Local Homeless Coordinating Board - Wendy Phillips, Kim Armbruster and Erick Brown]

Motion appointing Wendy Phillips, Kim Armbruster, and Erick Brown, terms ending October 21, 2014, to the Local Homeless Coordinating Board. (Clerk of the Board)
Wendy Phillips, seat 2, succeeding herself, term expired, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a four-year term ending October 21, 2014.
Kim Armbruster, seat 3, succeeding Barbara Blong, resigned, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a four-year term ending October 21, 2014.
Erick Brown, seat 4, succeeding himself, term expired, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a four-year term ending October 21, 2014.

Motion No. M11-77

APPROVED

110500 [Appointment, Pedestrian Safety Advisory Committee - Kenneth Frausto]

Motion appointing Kenneth Frausto, term ending March 28, 2012, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)
Kenneth Frausto, seat 1, succeeding Catherine Liddell, resigned, must be a representative from a pedestrian safety organization, for the unexpired portion of a two-year term ending March 28, 2012.

Motion No. M11-78

APPROVED

110535 [Appointments, Western SoMa Citizens Planning Task Force - Jim Tatarazuk and Michael Ferara]

Motion appointing Jim Tatarazuk and Michael Ferara, terms ending December 31, 2011, to the Western SoMa Citizens Planning Task Force. (Clerk of the Board)
Jim Tatarazuk, seat 15, succeeding Tom Radulovich, resigned, must be a transportation advocate, for the unexpired portion of a three-year term ending December 31, 2011.
Michael Ferara, seat 22, succeeding Lynn Valente, resigned, must be a resident of the area defined as "SoMa West" by the Planning Department, for the unexpired portion of a three-year term ending December 31, 2011.

Motion No. M11-79

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

110505 [Adopting Findings Related to the Conditional Use Appeal - 1268 Lombard Street]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18279, approving Conditional Use Application 2009.1029C on property located at 1268 Lombard Street. (Clerk of the Board)

Motion No. M11-80

APPROVED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Recommendation of the Budget and Finance Sub-Committee

110330 [Administrative Code - Public Work Construction Contractor/Subcontractor Appeal Hearing Procedures for Non-Compliance with Prevailing Wage Requirements]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code, Section 6.22, Public Work Construction Contract Terms and Working Conditions, by amending Subsection 6.22(E)(8) to further delineate due process procedures for administrative hearings on appeals by public work contractors and/or subcontractors from a Certification of Forfeiture made by the City's Labor Standards Enforcement Officer or responsible department head for non-compliance with prevailing wage requirements; and to additionally conform distribution of forfeiture provisions to State law.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Recommendation of the Land Use and Economic Development Committee

110114 [Environment Code - Yellow Pages Distribution Pilot Program]

Sponsors: Chiu; Mar, Mirkarimi, Wiener and Cohen

Ordinance adding Chapter 20 to the Environment Code to establish a three-year pilot program to reduce waste in the distribution of Yellow Pages phone directories to private residences and businesses in San Francisco, and to reduce neighborhood blight, by restricting distribution to circumstances where: 1) there is personal delivery of the directory to a human being, 2) there has been a request for delivery of the directory to the residence or business, or 3) directories are maintained for pick-up at a distribution center or business open to the public; mandating a public outreach program to educate the public about the environmental harms associated with excessive distribution of Yellow Pages phone directories, develop and publicize alternatives to private possession of such directories, and inform the public of the option and means of obtaining such directories; and making environmental findings.
(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Noes: 1 - Elsbernd
Excused: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

110553 [Appropriating $1,925,000 of General Fund Reserve and $360,000 of Public Library Preservation Fund Balance to Various Departments for Kirola Litigation Expenses in FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $1,925,000 from the General Fund Reserve and $360,000 from the Public Library Preservation Fund available fund balance to the Department of Public Works, the Recreation and Park Department, the Library Department, and the Mayor's Office of Disability for litigation expenses related to the United States District Court case between Ivana Kirola et. al. v. City and County of San Francisco for alleged American with Disabilities Act violations in FY2010-2011.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110464 [Construction Management Services Agreement Amendment - Laguna Honda Hospital Replacement Program - $16,196,764]

Sponsor: Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the Construction Management Services Agreement with Cooper Pugeda Management, Inc., for the Laguna Honda Hospital Replacement Program changing the amount from $15,303,429 to $16,196,764.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110479 [Approval of Modification No. 1 of Lease and Use Agreement - Emirates at San Francisco International Airport]

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Use Agreement L-10-0084 with Emirates for lounge space in the International Terminal, Boarding Area A, of San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110557 [Multifamily Housing Revenue Bonds - Fell Street Apartments - Not to Exceed $8,100,000]

Sponsor: Mirkarimi

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed $8,100,000 for Fell Street Apartments; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $40,500 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed $8,100,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110561 [Accept and Expend - Emergency Shelter Grants Program - $1,377,445]

Sponsors: Mayor; Cohen

Resolution approving the FY2011-2012 Emergency Shelter Grants (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 Emergency Shelter Grants Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $1,253,445 and to expend Reprogrammed Funds in the amount of $124,000.

ADOPTED by the following vote:
Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Chu, seconded by Supervisor Kim, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 14, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110562 [Accept and Expend - Community Development Block Grant - $20,549,988]

Sponsors: Mayor; Cohen

Resolution approving the FY2011-2012 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $18,583,517 and to expend Program Income and Reprogrammed Funds in the amount of $1,966,471.

ADOPTED by the following vote:
Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Chu, seconded by Supervisor Kim, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 14, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110563 [Accept and Expend Grant - HOME Program - $8,006,727]

Sponsors: Mayor; Cohen

Resolution approving the FY2011-2012 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $7,576,727, and to expend Program Income in the amount of $430,000.

ADOPTED by the following vote:
Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Chu, seconded by Supervisor Kim, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 14, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

From the Budget and Finance Committee Without Recommendation

110337 [Business and Tax Regulations Code - Excluding Stock-Based Compensation from Payroll Expense, Tax Years 2011 through 2017]

Sponsors: Mirkarimi; Campos, Mar and Chiu

Ordinance amending the San Francisco Business and Tax Regulations Code Article 12-A, by adding Section 906.4 to establish a payroll expense tax exclusion for that portion of an eligible person's payroll expense that is attributable to Stock-Based Compensation.
(Fiscal Impact, Economic Impact.)
(Supervisor Chu dissented in Committee.)

Supervisor Chiu requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Chiu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to June 14, 2011. The motion FAILED by the following vote:

Ayes: 4 - Chu, Cohen, Elsbernd, Farrell
Noes: 6 - Avalos, Chiu, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Avalos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell
Excused: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

110328 [CEQA Findings - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations in connection with the development of Treasure Island/Yerba Buena Island, as envisioned in the Development Agreement for the Treasure Island/Yerba Buena Island Project Area.

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110228 [General Plan Amendments - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Ordinance amending the San Francisco General Plan by amending the Commerce and Industry Element, Community Facilities Element, Housing Element, Recreation and Open Space Element, Transportation Element, Urban Design Element, and Land Use Index, maps and figures in various elements, and by adopting and adding the Treasure Island/Yerba Buena Island Area Plan, in order to facilitate the development of Treasure Island/Yerba Buena Island as endorsed by the Board of Supervisors and the Mayor in 2006 and updated in 2010, and envisioned in the Treasure Island/Yerba Buena Island Development Agreement, adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Economic Impact.)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110229 [Planning Code - Zoning - Treasure Island/Yerba Buena Island - Special Use District]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Treasure Island/Yerba Buena Island districts; amending Section 105 relating to height and bulk limits for Treasure Island/Yerba Buena Island; adding Section 249.52 to establish the Treasure Island/Yerba Buena Island Special Use District; adding Section 263.26 to establish the Treasure Island/Yerba Buena Island Height and Bulk District; amending the bulk limits table associated with Section 270 to refer to the Treasure Island/Yerba Buena Island Height and Bulk District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110227 [Zoning Map Amendment - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Ordinance amending the Zoning Map of the City and County of San Francisco by adding new Sectional Map ZN14 to show the zoning designations of Treasure Island/Yerba Buena Island; adding new Sectional Map HT14 to establish the Height and Bulk District for Treasure Island/Yerba Buena Island; adding new Sectional Map SU14 to establish the Treasure Island/Yerba Buena Island Special Use District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Economic Impact.)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110230 [Subdivision Code - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Ordinance amending the San Francisco Subdivision Code to add Division 4 pertaining to the subdivision process applicable to development within the Treasure Island/Yerba Buena Island Project Site described in the Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, relative to Naval Station Treasure Island, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.
(Economic Impact.)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110517 [Treasure Island Transportation Implementation Plan]

Sponsor: Mayor

Resolution approving the Treasure Island Transportation Implementation Plan; and adopting findings under the California Environmental Quality Act.

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

From the Land Use and Economic Development Committee and the Budget and Finance Sub-Committee Without Recommendation

110226 [Development Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Ordinance approving a Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, for certain real property located within Treasure Island/Yerba Buena Island; exempting certain sections of Administrative Code Chapter 6, Chapter 14B and Chapter 56; and adopting findings, including findings under the California Environmental Quality Act, findings of consistency with the City's General Plan and with the Eight Priority Policies of Planning Code Section 101.1(b), and findings relating to the formation of infrastructure financing districts.
(Fiscal Impact, Economic Impact.)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110291 [Disposition and Development Agreement and Interagency Cooperation Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving a Disposition and Development Agreement between the Treasure Island Development Authority and Treasure Island Community Development, LLC, for certain real property located on Treasure Island/Yerba Buena Island; approving an Interagency Cooperation Agreement between the City and the Treasure Island Development Authority; and adopting findings, including findings that the agreements are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1, and findings under the California Environmental Quality Act.
(Economic Impact, Fiscal Impact.)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110290 [Economic Development Conveyance Memorandum of Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving the Economic Development Conveyance Memorandum of Agreement for the transfer of former Naval Station Treasure Island from the United States Government to the Treasure Island Development Authority; adopting findings under the California Environmental Quality Act.
(Fiscal Impact, Economic Impact.)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110289 [Homeless Development Initiative Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving the Amended and Restated Base Closure Homeless Assistance Agreement with the Treasure Island Homeless Development Initiative; adopting findings, including findings that the agreement is consistent with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1 and findings under the California Environmental Quality Act.
(Fiscal Impact, Economic Impact.)

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Recommendation of the Land Use and Economic Development Committee

110340 [Public Trust Exchange Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving the Public Trust Exchange Agreement between the Treasure Island Development Authority and the California State Lands Commission in furtherance of the Treasure Island/Yerba Buena Island Project; adopting findings under the California Environmental Quality Act.

Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Recommendation of the Public Safety Committee

110025 [Environment Code - Safe Drug Disposal Information]

Sponsors: Mirkarimi; Campos

Ordinance amending the San Francisco Environment Code by adding Sections 2250 through 2254, to require any business selling prescription drugs to the public to post display materials explaining how to safely and lawfully dispose of unused prescription drugs; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Recommendations of the Rules Committee

110023 [Campaign and Governmental Conduct Code - Allowing a Former Appointed Mayor to Obtain City Employment]

Sponsors: Chiu; Elsbernd, Mar, Chu, Cohen, Kim, Wiener and Farrell

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 3.234 to allow an appointed former Mayor to obtain full-time City employment within one year after leaving office.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110294 [Confirming Appointment, Municipal Transportation Agency Board of Directors - Joél Ramos]

Sponsor: Mayor

Motion confirming the Mayor's appointment of Joél Ramos to the Municipal Transportation Agency Board of Directors, term ending March 1, 2015.

Motion No. M11-81

APPROVED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110395 [Confirming Appointment, Port Commission - Doreen Woo Ho]

Sponsor: Mayor

Motion confirming the Mayor's appointment of Doreen Woo Ho to the Port Commission, term ending May 1, 2014.

Motion No. M11-82

APPROVED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110511 [Public Hearing - Purchase/Sale Agreement and Ground Lease - East Side of Arelious Walker Drive, at Gilman, and 5800 Third Street]

Public hearing to consider the proposed Purchase and Sale Agreement between the Redevelopment Agency of the City and County of San Francisco (San Francisco Redevelopment Agency) and McCormack Baron Salazar, Inc., a Missouri corporation (MBS), for the sale to MBS of Assessor's Parcel No. 4884, Lot No. 27, located at the east side of Arelious Walker Drive, at Gilman Avenue, conditioned upon MBS's receipt of a Choice Neighborhoods Initiative Grant Award from the U.S. Department of Housing and Urban Development for the revitalization of Alice Griffith Public Housing and to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 5800 Third Street, Assessor's Parcel No. 5431A-042, to Bayview Supportive Housing, LLC., a California limited liability company, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

The President inquired as to whether any member of the public wished to address the Committee of the Whole. Supervisor Cohen provided an overview and introduced Olson Lee (Redevelopment Agency) who provided additional details on the proposed resolutions. Lorelei King; Gerald Brown; spoke in support of the resolutions. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110512 [Purchase and Sale Agreement - Redevelopment Agency for the Revitalization of the Alice Griffith Public Housing Site - East Side of Arelious Walker Drive at Gilman Avenue]

Sponsor: Cohen

Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to sell land on the east side of Arelious Walker Drive, at Gilman Avenue, adjacent to the Alice Griffith Public Housing Site, Assessor's Block No. 4884, Lot No. 27, to McCormack Baron Salazar, Inc., a Missouri corporation, for the sole purpose of performing predevelopment and development work at the property for the revitalization of the Alice Griffith Public Housing Site, a HOPE SF development program that will provide one-for-one replacement of all Alice Griffith public housing units within a larger mixed-income community.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

110513 [Ground Lease - Redevelopment Agency - Carroll Street Senior Community - 5800 Third Street]

Sponsor: Cohen

Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 5800 Third Street, Lot No. 3, northwest corner of the larger 5800 Third Street site, Assessor's Block No. 5431A, Lot No. 042 with Bayview Supportive Housing, LLC, a California limited liability company, for a term of 55 years for the purpose of developing housing for very low-income senior households.

Supervisor Cohen, seconded by Supervisor Kim, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110515 [Public Hearing - Ground Lease Agreement - 1075 LeConte Avenue, Commonly Known as 6600 Third Street]

Sponsor: Cohen

Public hearing to consider the proposal of the San Francisco Redevelopment Agency to enter into a Ground Lease Agreement and lease the land located at 1075 Le Conte Avenue, Assessor's Parcel No. 009-5476, commonly known as 6600 Third Street (Property), to Third & LeConte Associates, LP, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

The President inquired as to whether any member of the public wished to address the Committee of the Whole. Supervisor Cohen provided an overview and introduced Olson Lee (Redevelopment Agency) who provided additional details on the proposed resolutions. Ace Washington; Edmond Juicye; Walter Paulson; Douglas Yepp; expressed various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110516 [Ground Lease - Redevelopment Agency Land - 1075 LeConte Avenue, Commonly Known as 6600 Third Street]

Sponsor: Cohen

Resolution approving and authorizing the Redevelopment Agency of the City and County of San Francisco to execute a lease of land at 1075 Le Conte Avenue, Assessor's Block No. 009, Lot No. 5476, commonly known as 6600 Third Street with Third and LeConte Associates, LP, a California limited partnership, for a term of 70 years for the purpose of developing housing for formerly homeless individuals and families.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chiu, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Ed Reiskin, Department of Public Works Director, in recognition of Public Works Week.

SMALL BUSINESS MONTH
Supervisors introduced and welcomed Luke O'Brian, President, Small Business Commission, and presented Certificates of Honor to individuals in recognition of Small Business Month, their accomplishments, and their continued community support as referenced below:

Supervisor Cohen recognized Everest Waterproofing; and
Supervisor Chu recognized Ocean Park Motel; and
Supervisor Chiu recognized Liguria Bakery; and
Supervisor Avalos recognized Caffe D'Melanio; and
Supervisor Avalos, representing on behalf of Supervisor Campos, recognized El Rio; and
Supervisor Wiener recognized Orphan Andy's; and
Supervisor Mirkarimi recognized Café Hana; and
Supervisor Mar recognized Cinderella Bakery; and
Supervisor Kim recognized Passion Café and Moya; and
Supervisor Farrell recognized Patxi's Pizza; and
Supervisor Elsbernd recognized Zanze's Cheesecake; and
Jason Elliott, representing on behalf of Mayor Lee, recognized La Gallinita.

Supervisor Chiu introduced, welcomed, and presented Certificates of Honor to Martha Yanez and Jane Gong (Small Business Administration) in recognition of their continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Edmond Juicye; expressed various concerns.
Peter Wood; expressed concerns relating to taxi cab meter increase.
Barbara Arnold; spoke in support of Lyme Awareness Month.
Female Speaker; spoke in support of Lyme Awareness Month.
Robin Cropp; spoke in support of Lyme Awareness Month.
Walter Paulson; shared in song certain concerns with the Board.
Summer Shields; expressed support for House Resolution 1489.
Joel Wright; expressed support for House Resolution 1489.
Michael Molberg; expressed support for House Resolution 1489.
Male Speaker; expressed support for House Resolution 1489.
Douglas Yepp; expressed various concerns.
Male Speaker; expressed concerns relating to taxi cab meter increase.
John Caldera; expressed support for the Filipino Veterans Fairness Act.
Steve Nosell; expressed support for the Filipino Veterans Fairness Act.
Reginald Maldanado; expressed support for the Filipino Veterans Fairness Act.
Ace Washington; expressed various concerns.
Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110602 [Public Works Week - May 15-21, 2011]

Sponsor: Chiu

Resolution proclaiming May 15 through May 21, 2011, as Public Works Week in the City and County of San Francisco, commending the women and men of the Department of Public Works, and calling upon all of its residents, businesses, and neighborhood and merchant organizations to work in collaboration with the department as it enhances the quality of life in San Francisco.

ADOPTED

110604 [Apply for Grant - Installation of Rubber Sidewalks - Not to Exceed $12,600]

Sponsor: Cohen

Resolution authorizing the City and County of San Francisco to apply for grant funds in the amount up to, but not to exceed, $12,600 from the California Department of Resources Recycling and Recovery, Tire-Derived Product Grant Program for the purpose of installing rubber sidewalks and preserving mature trees.

ADOPTED

110605 [National Safe Boating Week - May 20-29, 2011]

Sponsor: Elsbernd

Resolution proclaiming May 20-29, 2011, as "National Safe Boating Week" in the City and County of San Francisco.

ADOPTED

110606 [Accept and Expend Grant - Pesticide Use Reporting - $2,528]

Sponsor: Mar

Resolution authorizing the Department of Public Health to accept and expend a grant (Agreements #11-C0035) in the amount of $2,528 from the California Department of Pesticide Regulation to fund the program entitled "Pesticide Use Reporting" for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

ADOPTED

110607 [Accept and Expend Grant - Weed Management - $16,757]

Sponsor: Mar

Resolution authorizing the Department of Public Health to retroactively accept and expend a state grant (Agreement #10-0794) in the amount of $16,757 from the California Department of Food and Agriculture to fund the program entitled "Weed Management" for the period of January 1, 2011, through December 31, 2011, and waiving indirect costs.

ADOPTED

110608 [Accept and Expend Grant - Petroleum Products Compliances and Weighmaster Enforcement Program - $8,250]

Sponsor: Mar

Resolution authorizing the Department of Public Health to accept and expend a grant (Agreements #11-0036-SA) in the amount of $8,250 from the California Department of Food and Agriculture to fund the program entitled "Petroleum Products Compliances and Weighmaster Enforcement Program" for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

ADOPTED

110609 [St. Paul's Centennial Celebration Day - May 29, 2011]

Sponsors: Wiener; Elsbernd

Resolution honoring the centennial of St. Paul's Catholic Church and proclaiming May 29, 2011, to be "St. Paul's Centennial Celebration Day" in the City and County of San Francisco.

Supervisor Elsbernd requested to be added as a co-sponsor.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbemd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 110601 be severed so that it may be considered separately.

110601 [Supporting Filipino Veterans Fairness Act]

Sponsors: Chiu; Mar, Cohen, Kim, Mirkarimi and Avalos

Resolution supporting the Filipino Veterans Fairness Act of 2011, House of Representative Bill 210.

Supervisors Mar, Cohen, Kim, Mirkarimi, and Avalos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Campos

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110530 [Changing the Official Sidewalk Width - Harrison Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1589 to change the official sidewalk width on south side of Harrison Street between Fremont and Beale Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

05/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

110427 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

05/02/11; ASSIGNED to Board of Supervisors.

110528 [Feeder Agreement - BART]

Resolution approving the Feeder Agreement between the City and County of San Francisco and the Bay Area Rapid Transit District, for payment for transfer trips, with a term from July 1, 2009, to June 30, 2010. (Municipal Transportation Agency)

05/02/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110529 [Outreach Advertising and Neighborhood Outreach Advertising for FY2011-2012]

Resolution designating El Reportero to be the outreach newspaper of the City and County for the Hispanic community, Bay Area Reporter to be the outreach newspaper of the City and County for the Lesbian, Gay, Bisexual community, and the West Portal Monthly to be the neighborhood outreach newspaper for the West Portal neighborhood, to provide outreach advertising for FY2011-2012. (Office of Contract Administration)

05/09/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:44 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

MAY 27 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, May 24, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of April 15, 2011, and Special Board Meeting Minutes of April 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Rules Committee

110333 [Settlement of Lawsuit - Michael Pinkston - $30,000]

Ordinance authorizing the settlement of lawsuit filed by Michael Pinkston against the City and County of San Francisco for $30,000; the lawsuit was filed on March 24, 2010, in San Francisco Superior Court, Case No. CGC-10-498074, entitled Michael Pinkston v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

110481 [Settlement of Lawsuit - Da Ren Kuang, et al. - $1,556,000]

Ordinance authorizing settlement of the lawsuit filed by Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate of Xiu Fang Huang against the City and County of San Francisco for $1,556,000; the lawsuit was filed on July 30, 2010, in San Francisco Superior Court, Case No. CGC 10-502052; entitled Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate Of Xiu Fang Huang v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

110207 [Affirming Certification of the Final Environmental Impact Report - Parkmerced Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Motion No. M11-83

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110208 [Reversing Certification of the Final Environmental Impact Report - Parkmerced Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110209 [Preparation of Findings to Reverse Certification of the Final Environmental Impact Report - Parkmerced Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

From the Board

110345 [Affirming the Exemption Determination - AT&T Network "Lightspeed" Upgrade]
Motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 28, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110346 [Reversing the Exemption Determination - AT&T Network "Lightspeed" Upgrade]
Motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 28, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110347 [Preparation of Findings to Reverse the Exemption Determination - AT&T Network "Lightspeed" Upgrade]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 28, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Committee Without Recommendation

110337 [Business and Tax Regulations Code - Excluding Stock-Based Compensation from Payroll Expense, Tax Years 2011 through 2017]
Sponsors: Mirkarimi; Campos, Mar and Chiu
Ordinance amending the San Francisco Business and Tax Regulations Code Article 12-A, by adding Section 906.4 to establish a payroll expense tax exclusion for that portion of an eligible person's payroll expense that is attributable to Stock-Based Compensation.
(Fiscal Impact, Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

Recommendation of the Budget and Finance Sub-Committee

110553 [Appropriating $1,925,000 of General Fund Reserve and $360,000 of Public Library Preservation Fund Balance to Various Departments for Kirola Litigation Expenses in FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $1,925,000 from the General Fund Reserve and $360,000 from the Public Library Preservation Fund available fund balance to the Department of Public Works, the Recreation and Park Department, the Library Department, and the Mayor's Office of Disability for litigation expenses related to the United States District Court case between Ivana Kirola et. al. v. City and County of San Francisco for alleged American with Disabilities Act violations in FY2010-2011.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Public Safety Committee

110025 [Environment Code - Safe Drug Disposal Information]

Sponsors: Mirkarimi; Campos

Ordinance amending the San Francisco Environment Code by adding Sections 2250 through 2254, to require any business selling prescription drugs to the public to post display materials explaining how to safely and lawfully dispose of unused prescription drugs; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110023 [Campaign and Governmental Conduct Code - Allowing a Former Appointed Mayor to Obtain City Employment]

Sponsors: Chiu; Elsbernd, Mar, Chu, Cohen, Kim, Wiener and Farrell

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 3.234 to allow an appointed former Mayor to obtain full-time City employment within one year after leaving office.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110507 [Appropriating Surplus Revenues and Expenditures and General Fund Reserve to Support Shortfalls in the Department of Public Health for FY2010-2011 - $29,494,813]

Sponsor: Mayor

Ordinance recognizing state revenue losses of $18,484,060 at San Francisco General Hospital and appropriating $29,494,813 including $6,543,813 of General Fund reserve, $14,851,000 of surplus Laguna Honda Hospital revenues, $1,925,000 of surplus San Francisco General Hospital revenues, de-appropriating $6,175,000 of non-hospital operations expenditures at San Francisco General Hospital to fund cost overruns in the Department of Public Health including $19,653,813 at San Francisco General Hospital and $9,841,000 at Laguna Honda Hospital for FY2010-2011.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110541 [Airport Lease Agreement - Advanced Wireless Group, LLC]

Resolution approving the Lease Agreement for Operation and Maintenance of Public Wireless-Fidelity System at San Francisco International Airport between Advanced Wireless Group, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110542 [Airport Lease Agreement - J. Avery Enterprises]

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0192 with J. Avery Enterprises, dba Klein's Deli, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Government Audit and Oversight Committee

110438 [Agreement - Administration/Management of Ocean Avenue Community Benefits District]

Sponsor: Avalos

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Ocean Avenue Community Benefits District," pursuant to California Streets and Highways Code Section 36651.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110397 [General Plan Amendments - 2009 Housing Element Update]

Ordinance amending the San Francisco General Plan by adopting the 2009 Housing Element as the Housing Element of the San Francisco General Plan; making findings, including environmental findings and findings of consistency with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

Supervisor Wiener, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING to June 14, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee

110599 [Grant Easement to, and Acceptance of Easement Purchase and Sale Agreement and Delivery Truck Easement Agreement - Avalon Ocean Avenue, L.P. - Phelan Bus Loop]

Sponsor: Elsbernd

Resolution approving the execution of an Easement Purchase and Sale Agreement, together with a Delivery Truck Easement Agreement, by and between the City and County of San Francisco, acting by and through the Municipal Transportation Agency, and Avalon Ocean Avenue, L.P., a Delaware Limited Partnership for the Phelan Bus Loop.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Kim, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Kate Sofis of SF MADE in recognition of SF MADE Week for 7 days of education, exploration, and innovation, designed to heighten local awareness and understanding of this critical economic and cultural asset.

Supervisor Chiu introduced, welcomed, and presented Certificates of Honor to Principal Judy Giampaoli (Francisco Middle School), Principal Yvonne Chong (Yick Wo Elementary School), Lorraine Perry (Marina Middle School), and Raphael Pau (Marina Middle School) in recognition of their accomplishments upon their retirements.

SPECIAL ORDER 4:00 P.M.

110474 [Hearing - Appeal of Determination of Exemption from Environmental Review - 1787 Union Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 20, 2011, Case No. 2010.0805D, that a project located at 1787 Union Street is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves legalizing the removal of an elevated glass sunroom enclosure and establishing an open patio at the front of the building for an existing full-service restaurant and bar (dba "The Brick Yard"), Lot No. 017 in Assessor's Block No. 0544. (District 2) (Appellant: Gloria D. Smith, on behalf of the Golden Gate Valley Neighborhood Association). (Filed April 13, 2011; Companion Measure to File Nos. 110475, 110476 and 110477.)

The President inquired as to whether any member of the public wished to address the Board. Gloria Smith and Megan Chechile (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Donna Morrison; Skye Czember; Bob Bardell; Serena Bardell; Anne McKenzie; Jerry Czember; Jeffrey Lee; Ann Alioto; Melinda Cardwell; Terry Morrison; Patricia Vaughey; spoke in support of the appeal. Kelley Amdur (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Alex Rosenthal and Darren Matte (Project Sponsors) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Aaron Little; Josh Spiegelman; Brad Johnson; Harry Kenning; Sam Landrum; Matt Seliga; Dina Eppley; Nate Mezmer; Anderson Pucash; Sean Wells; Eric Roblee; Logan Shedd; Michael; Dominic Chin; Jason Damaschino; spoke in support of the project and in opposition to the appeal. Gloria Smith (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110475 [Affirming the Exemption Determination - 1787 Union Street]

Motion affirming the determination by the Planning Department that a project located at 1787 Union Street is exempt from environmental review.

Motion No. M11-84

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110476 [Reversing the Exemption Determination - 1787 Union Street]

Motion reversing the determination by the Planning Department that a project located at 1787 Union Street is exempt from environmental review.

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110477 [Preparation of Findings to Reverse the Exemption Determination - 1787 Union Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 1787 Union Street is exempt from environmental review.

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

Recommendation of the Public Safety Committee

110565 [Joint Powers Agreement - Bay Area Regional Interoperable Communications System Authority]

Sponsors: Mayor; Chu, Chiu, Cohen and Mirkarimi

Resolution approving a Joint Powers Agreement establishing the Bay Area Regional Interoperable Communications System Authority and authorizing payment of membership fees.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110595 [Convening the Redistricting Task Force]

Sponsors: Chiu; Kim

Ordinance convening the Redistricting Task Force, pursuant to Charter Section 13.110(d), and amending the San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-397 to include the Redistricting Task Force in the City's Conflict of Interest Code.

See File No. 110697.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be DIVIDED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Ordinance convening the Redistricting Task Force, pursuant to Charter Section 13.110(d).

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110697 [Campaign and Governmental Conduct Code - Adding Redistricting Task Force To Conflict of Interest Code]

Sponsors: Chiu; Kim

Ordinance amending the City's Conflict of Interest Code to include the Redistricting Task Force.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110300 [Development Agreement - Parkmerced]

Sponsor: Elsbernd

Ordinance approving a Development Agreement between the City and County of San Francisco and Parkmerced Investors, LLC, for certain real property located in the Lake Merced District of San Francisco, commonly referred to as Parkmerced, generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; making findings under the California Environmental Quality Act, findings of conformity with the City's General Plan and with the eight priority policies of Planning Code Section 101.1(b); and waiving certain provisions of Administrative Code Chapter 56. (Planning Department) (Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110301 [Planning Code - Special Use District - Parkmerced]

Sponsor: Elsbernd

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish the Parkmerced Special Use District; amending Planning Code Section 270 to refer to the Parkmerced Special Use District; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)
(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110302 [Planning Code - Zoning Map Amendments - Parkmerced]

Sponsor: Elsbernd

Ordinance amending the San Francisco Planning Code by amending Sectional Maps ZN13, HT13, and SU13 of the Zoning Map of the City and County of San Francisco to reflect the Parkmerced Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)
(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110303 [General Plan Amendment - Parkmerced]

Sponsor: Elsbernd

Ordinance amending the San Francisco General Plan by amending the Urban Design Element Height Map with respect to the Parkmerced site; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)
(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Ray Hartz; expressed concerns relating to government.
Michael Pierce; expressed concerns relating to AT&T.
Dale Seymour; expressed various concerns.
Male Speaker; expressed various concerns.
Mark Samit; expressed concerns relating to glass steagall.
Wes; expressed concerns relating to glass steagall.
Hugh Townsend; expressed concerns relating to graffiti and noise.
Ace Washington; expressed various concerns.
Mark; expressed concerns relating to taxi cab meter increase.
Barry Cornwel; expressed concerns relating to taxi cab meter increase.
Ed Hilley; expressed concerns relating to taxi cab meter increase.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110668 [Lyme Disease Awareness Month - May 2011]

Sponsors: Kim; Campos

Resolution proclaiming May 2011 as Lyme Disease Awareness Month in the City and County of San Francisco.

ADOPTED

110425 [Committee of the Whole - Report of Assessment Costs for Blighted Properties]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on a resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Motion No. M11-85

APPROVED

110665 [Committee of the Whole - Authorizing the Use of Real Property Located at 701 Lombard Street - Joe DiMaggio Playground Master Plan Project]

Sponsor: Chiu

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on a resolution authorizing the use of real property located at 701 Lombard Street (Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe DiMaggio Playground/North Beach Library Master Plan Project; adopting environmental findings and findings of consistency with the General Plan and City Planning Code Section 101.1.

Motion No. M11-86

APPROVED

110670 [Suspending Board Rule 4.29 - Time of Public Hearing(s) on Appeal(s) on June 7, 2011]

Sponsor: Chiu

Motion suspending Board Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearing(s) on appeal(s) may be scheduled at any time during the Board meeting of June 7, 2011.

Motion No. M11-87

APPROVED

110679 [Final Map 5388 - 1840 Washington Street]

Motion approving Final Map 5388, a 26 Unit Residential Condominium Project, located at 1840 Washington Street being a subdivision of Lot 008 in Assessors Block No. 0599 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-88

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisors Wiener and Avalos requested that File No. 110669 be severed so that it may be considered separately.

110669 [Opposing Taxi Fare Increase Without Improved Taxi Service]

Sponsors: Wiener; Farrell and Cohen

Resolution opposing proposed taxi fare increase under consideration by the Municipal Transportation Agency in the absence of improved taxi service.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chiu requested that File No. 110672 be severed so that it may be considered separately.

110672 [Committee of the Whole - Amending Zoning Designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01)]

Sponsor: Chiu

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on an ordinance amending the San Francisco Zoning Map by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" (Open Space) Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street from the Telegraph Hill - North Beach Residential Special Use District and the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion that the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on an ordinance amending the San Francisco Zoning Map by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" (Open Space) Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street and 2000 Mason Street (Assessor's Block No. 75, Lot No. 01) from the Telegraph Hill - North Beach Residential Special Use District and to remove 701 Lombard Street from the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED AS AMENDED to June 7, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110622 [Administrative Code - Allowing Paid Administrative Leave in Certain Circumstances]

Ordinance amending the San Francisco Administrative Code by adding Section 16.10 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances. (Human Resources Department)

05/09/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/23/2011.

110623 [Changing the Official Sidewalk Width - Brotherhood Way]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1588 to change the official sidewalk width on north side of Brotherhood Way west of Chumasero Drive; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change.

05/10/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110624 [General Plan Amendments - Executive Park Subarea Plan]

Ordinance amending the San Francisco General Plan by amending the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, the Land Use Index and maps and figures in various elements and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

05/11/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/23/2011.

110625 [Zoning - Establishment of the Executive Park Special Use District and Special Height and Bulk Provisions and Permit Review Procedures for the Special Use District]

Ordinance amending the San Francisco Planning Code by adding Section 249.54 to establish the Executive Park Special Use District; adding Section 263.27 to establish Special Height Provisions for the Executive Park Special Use District and the 65/240 EP Height and Bulk District; amending Table 270 to provide that the Table is not applicable to the Executive Park Special Use District; and adding Section 309.2 to establish Permit Review Procedures in the Executive Park Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

05/11/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/23/2011.

110626 [Zoning Map Amendments - Executive Park Subarea Plan Area]

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU10 of the Zoning Map of the City and County of San Francisco to establish the Executive Park Special Use District; amending Sectional Map HT10 to establish the 65/240-EP Height and Bulk District; amending Sectional Map ZN09 to change certain Executive Park parcels from C-2(Community Business) and M-1(Light Industrial) to RC-3(Residential-Commercial Combined, Medium Density) ; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

05/11/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/23/2011.

110627 [General Plan Amendment - Community Safety Element]

Ordinance amending the San Francisco General Plan by amending the Community Safety Element to reference the most recent Hazard Mitigation Plan; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings. (Planning Department)

05/24/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/23/2011.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:01 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JUN 10 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 7, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of April 26, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

Rick Caldeira, Legislative Deputy Director, informed the Board of Supervisors that he was in receipt of correspondence from Mayor Edwin Lee on June 1, 2011, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

110507 [Appropriating Surplus Revenues and Expenditures and General Fund Reserve to Support Shortfalls in the Department of Public Health for FY2010-2011 - $29,494,813]

Sponsor: Mayor

Ordinance recognizing state revenue losses of $18,484,060 at San Francisco General Hospital and appropriating $29,494,813 including $6,543,813 of General Fund reserve, $14,851,000 of surplus Laguna Honda Hospital revenues, $1,925,000 of surplus San Francisco General Hospital revenues, de-appropriating $6,175,000 of non-hospital operations expenditures at San Francisco General Hospital to fund cost overruns in the Department of Public Health including $19,653,813 at San Francisco General Hospital and $9,841,000 at Laguna Honda Hospital for FY2010-2011. (Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

110047 [Liquor License Transfer - 320 Fell Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 953 Harrison Street to 320 Fell Street (District 5), to Scot Plewacki for Fatted Calf, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

110597 [Accept and Expend Grant - Transportation Development Act, Article 3 - $696,000]

Sponsor: Chiu

Resolution authorizing the Municipal Transportation Agency to accept and expend a grant from the State Transportation Development Act Article 3 funds totaling $696,000 including $341,000 for the Department of Public Works and $355,000 for various pedestrian and bicycle projects in San Francisco in FY2011-2012.

ADOPTED

110598 [Accept and Expend Grant - Non-Structural Seismic Retrofit - $999,999]

Sponsor: Cohen

Resolution authorizing the Department of Public Health and San Francisco General Hospital to retroactively accept and expend a federal pass-through state grant in the amount of $999,999 from the California Emergency Management Agency (CalEMA), to support San Francisco General Hospital's non-structural retrofit activities for the period February 15, 2011, through February 14, 2014, and waiving indirect costs.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

110564 [Transfer Agreement - Alice Griffith Public Housing Opportunity Center]

Sponsor: Mayor

Resolution approving and authorizing the transfer of a modular structure located at 2525 Griffith Street, commonly known as the Alice Griffith Opportunity Center, by the City and County of San Francisco, acting by and through the Mayor's Office of Housing to the Housing Authority of the City and County of San Francisco, for the purpose of continuing resident and community events and the provision of resident services benefitting Alice Griffith Public Housing residents.

ADOPTED

Recommendation of the Public Safety Committee

110571 [Accept and Expend Grant - Interoperable Emergency Communications Grant Program - $1,227,632]

Sponsor: Chiu

Resolution authorizing the Department of Emergency Management, as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to retroactively accept and expend a FY2010 Interoperable Emergency Communications Program Grant award in the amount of $1,227,632 from the United States Department of Homeland Security, through the California Emergency Management Agency, for the period July 1, 2010, to March 31, 2013.

ADOPTED

Recommendation of the Rules Committee

110593 [Appointment, Public Utilities Revenue Bond Oversight Committee - Brian Browne]

Motion appointing Brian Browne, term ending November 12, 2011, to the Public Utilities Revenue Bond Oversight Committee. (Clerk of the Board)

Brian Browne, seat 1, succeeding himself, term expired, must have expertise, skills and experience in economics, the environment, construction or project management, for the unexpired portion of a four-year term ending November 12, 2011.

Motion No. M11-89

APPROVED

Supervisor Kim was noted absent at 2:17 p.m. and present at 2:21 p.m.

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Mirkarimi, Wiener
Absent: 1 - Kim

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

110328 [CEQA Findings - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations in connection with the development of Treasure Island/Yerba Buena Island, as envisioned in the Development Agreement for the Treasure Island/Yerba Buena Island Project Area.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110228 [General Plan Amendments - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Ordinance amending the San Francisco General Plan by amending the Commerce and Industry Element, Community Facilities Element, Housing Element, Recreation and Open Space Element, Transportation Element, Urban Design Element, and Land Use Index, maps and figures in various elements, and by adopting and adding the Treasure Island/Yerba Buena Island Area Plan, in order to facilitate the development of Treasure Island/Yerba Buena Island as endorsed by the Board of Supervisors and the Mayor in 2006 and updated in 2010, and envisioned in the Treasure Island/Yerba Buena Island Development Agreement, adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Economic Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110229 [Planning Code - Zoning - Treasure Island/Yerba Buena Island - Special Use District]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Treasure Island/Yerba Buena Island districts; amending Section 105 relating to height and bulk limits for Treasure Island/Yerba Buena Island; adding Section 249.52 to establish the Treasure Island/Yerba Buena Island Special Use District; adding Section 263.26 to establish the Treasure Island/Yerba Buena Island Height and Bulk District; amending the bulk limits table associated with Section 270 to refer to the Treasure Island/Yerba Buena Island Height and Bulk District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

Privilege of the floor was granted to John Malamut (City Attorney's Office) who responded to questions raised throughout the discussion regarding File No. 110229.

Supervisor Mar, seconded by Supervisor Avalos, moved to amend the accompanying Treasure Island/Yerba Buena Island Design for Development, as provided by Supervisor Mar, and included in File No. 110229. The motion carried by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Elsbernd, Kim, Mar, Mirkarimi
Noes: 4 - Chu, Cohen, Farrell, Wiener

Supervisor Mirkarimi, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED, and after accepting the amendments to the Treasure Island/Yerba Buena Island Design for Development, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110227 [Zoning Map Amendment - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Ordinance amending the Zoning Map of the City and County of San Francisco by adding new Sectional Map ZN14 to show the zoning designations of Treasure Island/Yerba Buena Island; adding new Sectional Map HT14 to establish the Height and Bulk District for Treasure Island/Yerba Buena Island; adding new Sectional Map SU14 to establish the Treasure Island/Yerba Buena Island Special Use District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Economic Impact.)

Supervisor Mirkarimi, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110230 [Subdivision Code - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Ordinance amending the San Francisco Subdivision Code to add Division 4 pertaining to the subdivision process applicable to development within the Treasure Island/Yerba Buena Island Project Site described in the Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, relative to Naval Station Treasure Island, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.
(Economic Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110517 [Treasure Island Transportation Implementation Plan]

Sponsor: Mayor

Resolution approving the Treasure Island Transportation Implementation Plan; and adopting findings under the California Environmental Quality Act.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee and the Budget and Finance Sub-Committee Without Recommendation

110291 [Disposition and Development Agreement and Interagency Cooperation Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving a Disposition and Development Agreement between the Treasure Island Development Authority and Treasure Island Community Development, LLC, for certain real property located on Treasure Island/Yerba Buena Island; approving an Interagency Cooperation Agreement between the City and the Treasure Island Development Authority; and adopting findings, including findings that the agreements are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1, and findings under the California Environmental Quality Act.
(Economic Impact, Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved to amend the Disposition and Development Agreement, as provided by Supervisors Chiu and Kim, and included in File No. 110291. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi, seconded by Supervisor Kim, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED, and after accepting the amendments to the Disposition and Development Agreement, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110290 [Economic Development Conveyance Memorandum of Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving the Economic Development Conveyance Memorandum of Agreement for the transfer of former Naval Station Treasure Island from the United States Government to the Treasure Island Development Authority; adopting findings under the California Environmental Quality Act.
(Fiscal Impact, Economic Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110289 [Homeless Development Initiative Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving the Amended and Restated Base Closure Homeless Assistance Agreement with the Treasure Island Homeless Development Initiative; adopting findings, including findings that the agreement is consistent with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1 and findings under the California Environmental Quality Act.
(Fiscal Impact, Economic Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation the Land Use and Economic Development Committee

110340 [Public Trust Exchange Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Resolution approving the Public Trust Exchange Agreement between the Treasure Island Development Authority and the California State Lands Commission in furtherance of the Treasure Island/Yerba Buena Island Project; adopting findings under the California Environmental Quality Act.

Supervisor Mirkarimi, seconded by Supervisor Kim, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee Without Recommendation

110300 [Development Agreement - Parkmerced]

Sponsor: Elsbernd

Ordinance approving a Development Agreement between the City and County of San Francisco and Parkmerced Investors, LLC, for certain real property located in the Lake Merced District of San Francisco, commonly referred to as Parkmerced, generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; making findings under the California Environmental Quality Act, findings of conformity with the City's General Plan and with the eight priority policies of Planning Code Section 101.1(b); and waiving certain provisions of Administrative Code Chapter 56. (Planning Department)
(Economic Impact.)

Supervisor Chiu, seconded by Supervisor Chu, moved to amend the accompanying Development Agreement, as provided by Supervisor Chiu, included in File No. 110226. The motion carried without objection.

FINALLY PASSED, after accepting the amendments to the Development Agreement, by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110301 [Planning Code - Special Use District - Parkmerced]

Sponsor: Elsbernd

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish the Parkmerced Special Use District; amending Planning Code Section 270 to refer to the Parkmerced Special Use District; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)
(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110302 [Planning Code - Zoning Map Amendments - Parkmerced]

Sponsor: Elsbernd

Ordinance amending the San Francisco Planning Code by amending Sectional Maps ZN13, HT13, and SU13 of the Zoning Map of the City and County of San Francisco to reflect the Parkmerced Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)
(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110303 [General Plan Amendment - Parkmerced]
Sponsor: Elsbernd
Ordinance amending the San Francisco General Plan by amending the Urban Design Element Height Map with respect to the Parkmerced site; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)
(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

Recommendations of the Rules Committee

110595 [Convening the Redistricting Task Force]
Sponsors: Chiu; Kim
Ordinance convening the Redistricting Task Force, pursuant to Charter Section 13.110(d).

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110697 [Campaign and Governmental Conduct Code - Adding Redistricting Task Force To Conflict of Interest Code]
Sponsors: Chiu; Kim
Ordinance amending the City's Conflict of Interest Code to include the Redistricting Task Force.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110555 [Water Revenue Bonds and Water Revenue Refunding Bonds Issuance]
Sponsor: Chu
Resolution approving the issuance of water revenue bonds and water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110554 [Water Revenue Bond Issuance - Not to Exceed $49,100,000]

Sponsor: Chu

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission in an amount not to exceed $49,100,000 to finance improvements to the CUW260 Water Main, the Commission's Hetch Hetchy Water and Power System and the Treasure Island Project, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110579 [Administrative Code - Water Enterprise Environmental Enhancement Surcharge Fund]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 10, Article XIII, to create the Public Utilities Water Enterprise Environmental Enhancement Surcharge Fund.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110487 [Contract Amendment - En Pointe Technology Sales Inc. - Not to Exceed $28,000,000]

Resolution authorizing the Office of Contract Administration to enter into the First Amendment between the City and En Pointe Technology Sales, Inc. (En Pointe, part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $24,000,000 to $28,000,000 and update certain standard contractual clauses. (Office of Contract Administration)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110538 [Lease of Property - MTA's Transit Management Center - 1455 Market Street]

Resolution authorizing the lease of 39,573 sq. ft. property located at 1455 Market Street, for ten years plus options to extend, for the San Francisco Municipal Transportation Agency's Transit Management Center. (Real Estate Department)
(Supervisors Mirkarimi and Kim dissented in Committee.)

Privilege of the floor was granted to Carter Rohan (MTA) and John Updike (Real Estate Department) who responded to questions raised throughout the discussion regarding File No. 110538.

ADOPTED by the following vote:

Ayes: 7 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 4 - Campos, Kim, Mar, Mirkarimi

110558 [Adopting the Five-Year Financial Plan - FYs 2011-2012 through 2015-2016]

Sponsors: Mayor; Chiu and Chu

Resolution adopting the City's Five-Year Financial Plan for FYs 2011-2012 through 2015-2016 pursuant to Charter Section 9.119.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110655 [General Obligation Bonds - Road Repaving and Street Safety - $248,000,000]

Sponsors: Mayor; Chiu, Wiener, Avalos, Campos, Cohen, Kim, Mar and Mirkarimi

Resolution determining and declaring that the public interest and necessity demand the repaving and reconstruction of roads, the rehabilitation and seismic improvement of street structures, the replacement of sidewalks, the installation and renovation of curb ramps, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and the construction, rehabilitation, and renovation of traffic infrastructure and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $248,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County of San Francisco and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act (CEQA); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; providing for the City and County of San Francisco to declare its official intent to reimburse prior expenditures; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Elsbernd, Farrell

110578 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees for the following services: 1) employee and public parking management services; 2) general security services; 3) information booth services; 4) shuttle bus services (Airport); and 5) janitorial services and security services (Port).

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the City Operations and Neighborhood Services Committee

110334 [Transportation Code - Limits for Parking at Inoperable/Broken Meters]

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110003 [Liquor License - 2323 Market Street]

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Shawn Higgins for D & H Sustainable Jewelers, located at 2323 Market Street (District 8), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110610 [Department of Children, Youth, and Their Families Community Needs Assessment]

Sponsor: Mayor

Resolution approving the Community Needs Assessment developed by the Department of Children, Youth, and Their Families, in accordance with Section 16.108 of the San Francisco Charter.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Government Audit and Oversight Committee

110463 [Memorandum of Understanding - Committee of Interns and Residents]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Committee of Interns and Residents effective July 1, 2011, through June 30, 2014.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110485 [Official Advertising - FY2011-2012]

Resolution designating the Examiner and the San Francisco Chronicle to be the official newspapers of the City and County of San Francisco for all official advertising (Type 1 and Type 2) for FY2011-2012. (Office of Contract Administration)

Privilege of the floor was granted to Jackie Wong (Office of Contract Administration) who responded to questions raised throughout the discussion regarding File No. 110485.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110529 [Outreach Advertising and Neighborhood Outreach Advertising - FY2011-2012]

Resolution designating the San Francisco Bay View to be the outreach newspaper of the City and County for the African American community; China Press, Sing Tao Daily, and World Journal to be the outreach newspaper of the City and County for the Chinese community; El Mensajero and El Reportero to be the outreach newspaper of the City and County for the Hispanic community, Bay Area Reporter to be the outreach newspaper of the City and County for the Lesbian, Gay, Bisexual, and Transgender community; Central City Extra to be the neighborhood outreach newspaper of the City and County for the Central City neighborhood; Marina Times and Northside San Francisco to be the neighborhood outreach newspapers of the City and County for the Northern San Francisco neighborhood; Potrero View to be the neighborhood outreach newspaper of the City and County for the Potrero Hill neighborhood; West Portal Monthly to be the neighborhood outreach newspaper of the City and County for the West Portal neighborhood; and Western Edition to be the neighborhood outreach newspaper for the City and County for the Western Addition neighborhood; to provide outreach advertising for FY2011-2012. (Office of Contract Administration)

Privilege of the floor was granted to Jackie Wong (Office of Contract Administration) who responded to questions raised throughout the discussion regarding File No. 110529.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110600 [Fillmore Jazz Community Benefit District Expansion and Renaming to Fillmore Community Benefit District]

Sponsor: Mirkarimi

Resolution 1) declaring the intention of the Board of Supervisors to renew the property based Fillmore Jazz Community Benefit District, to be expanded and renamed the "Fillmore Community Benefit District," and to levy a multi-year assessment on identified parcels in the district; 2) approving the management district plan and engineer's report and proposed boundaries map for the district; 3) ordering and setting a time and place for a public hearing thereon; 4) approving the form of the Notice of Public Hearing and Assessment Ballots; and 5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.

The amendments to the accompanying Fillmore Community Benefit District Management Plan, as provided by Supervisor Mirkarimi, included in File No. 110600, were received without objection.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED, and after accepting the amendments to the Fillmore Community Benefit District Management Plan, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110603 [Memorandum of Understanding Second Amendment - Urban Areas Security Initiative Grant Funds]

Sponsor: Chu

Resolution approving a Second Amendment to the Memorandum of Understanding (MOU) between the City and County of San Francisco, the City of Oakland, the City of San Jose, the County of Alameda, and the County of Santa Clara, that establishes a governance structure and procedures for application, allocation, and distribution of federal Urban Areas Security Initiative Grant Funds to the Bay Area Urban Area, to extend the term of the MOU to December 31, 2011, and authorizing the Executive Director of the Department of Emergency Management to execute that Second Amendment on behalf of the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Rules Committee

110335 [Campaign and Governmental Conduct Code - Gift Restrictions]

Sponsor: Cohen

Ordinance amending the San Francisco Campaign and Governmental Conduct Code, Section 3.216 to: 1) prohibit loans from restricted sources and subordinates; and 2) modify the reporting requirements for elected officials receiving gifts of travel.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110435 [Business and Tax Regulations Code - Citizen's Advisory Committee - Central Market Street and Tenderloin Area]

Sponsors: Kim; Chiu

Ordinance amending the San Francisco Business and Tax Regulations Code, Article 12-A, by adding Section 906.3-1 to establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi Excused from Voting

Supervisor Mar, seconded by Supervisor Chu, moved that Supervisor Mirkarimi be excused from voting on File No. 110587. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Mirkarimi

110587 [Appointment, Reentry Council - Supervisor Ross Mirkarimi]

Motion appointing Supervisor Ross Mirkarimi, term to be determined, to the Reentry Council. (Rules Committee)

Motion No. M11-93

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 1 - Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110426 [Public Hearing - Report of Assessment Costs for Blighted Properties]

Public hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or abatement of blighted conditions ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

The President inquired as to whether any member of the public wished to address the Board. Kenny Bruce (Department of Public Works) provided an overview of the assessments. Avi Ehrlich; Male Speaker; Walter Paulson; Norbert Travengard; Sonja Sandeman; Erin Sandeman; Edward Olsen; Craig Wong; Lena Gong; Male Speaker; Nelly Payton Rose; Raymond Almach; spoke objecting to the proposed assessments. Kenny Bruce (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110427 [Report of Assessment Costs for Blighted Properties]

Resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Kenny Bruce (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment:
479 - 3rd Street
205 - 3rd Street
139 - 8th Street
314 - 11th Street
3330 - 24th Street
125 Bay Shore Blvd
195 Broad Street
1516 Broadway
580 Bryant Street
643 Divisadero Street
819 Ellis Street
4450 Geary Blvd
685 Geary Street
1391 Gilman Avenue
1979 Mission Street
1037 Ocean Avenue
745 O'Farrell Street
656 Post Street
2201 Powell Street
1057 Valencia Street
1266 Valencia Street

The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 110427, were received without objection.

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Supervisor Farrell, seconded by Supervisor Mar, moved to consolidate the four hearing matters (File Nos. 110614, 110673, 110315, 110666) related to the North Beach Library and Joe DiMaggio Playground Master Plan Project into one single hearing. The motion passed by the following vote: Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110614 [Public Hearing - Appeal of Final Environmental Impact Report - North Beach Public Library and Joe DiMaggio Playground Master Plan Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's April 21, 2011, Certification of a Final Environmental Impact Report, identified as Planning Case No. 2008.0968E, through its Motion No. 18321, for the proposed North Beach Branch Library and Joe DiMaggio Playground Master Plan Project located at 701 Lombard and 2000 Mason Streets. (District 3) (Appellant: Joan Joaquin-Wood on behalf of Friends of Appleton-Wolfard Libraries and Coalition for a Better North Beach Library and Playground).
(Filed May 11, 2011; Companion File Nos. 110615, 110616, 110617.)

The President inquired as to whether any member of the public wished to address the Board. Luis Herrera, City Librarian (Public Library); Phil Ginsburg, General Manager (Recreation and Park); Marsha Maytum; Ed Reiskin, Director (Public Works); Pilar LaValley (Planning);presented information and responded to questions raised throughout the discussion. Sal Busalacchi and Howard Wong (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Sue Cauthen; Emil Lawrence; Zach Stewart; June Osterberg; Merle Easton; Bradley Weedmeir; Joan Wood; Sarah Kleban; Sal Busalacchi; Howard Wong; Joseph Butler; Barry Toronto; spoke in support of the appeal and in opposition to the proposed legislation matters. Michael Jaciento (Planning Department) and John Malamut (City Attorney's Office) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Male Speaker; Marisa Ehrlich; Lisa Garbus; Howard Chabner; Jewelle Gomez; Craig Hartman; Shawn Madison; Female Speaker; Kim Nolt; Sam; Mark Cornmeer; Female Speaker; Rene Meiha; Donna Bero; Julie Christensen; spoke in opposition to the appeal and in support of the proposed legislation matters. Howard Wong (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110615 [Affirming Certification of the Final Environmental Impact Report - North Beach Public Library and Joe DiMaggio Playground Master Plan Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the North Beach Public Library and Joe DiMaggio Playground Master Plan Project.

Motion No. M11-94

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110616 [Reversing Certification of the Final Environmental Impact Report - North Beach Public Library and Joe DiMaggio Playground Master Plan Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the North Beach Public Library and Joe DiMaggio Playground Master Plan Project.

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110617 [Preparation of Findings to Reverse Certification of the Final Environmental Impact Report - North Beach Public Library and Joe DiMaggio Playground Master Plan Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the North Beach Public Library and Joe DiMaggio Playground Master Plan Project.

Supervisor Chiu, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

See approved motion consolidating all four hearing matters (File Nos. 110614, 110673, 110315, 110666) above.

Board of Supervisors Sitting as a Committee of the Whole

110673 [Public Hearing - Zoning Map Amendment - 701 Lombard Street]

Sponsor: Chiu

Public hearing to consider the proposed Ordinance amending the San Francisco Zoning Map, by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" (Open Space) Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street from the Telegraph Hill - North Beach Residential Special Use District and the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

The President inquired as to whether any member of the public wished to address the Board. Luis Herrera, City Librarian (Public Library); Phil Ginsburg, General Manager (Recreation and Park); Marsha Maytum; Ed Reiskin, Director (Public Works); Pilar LaValley (Planning);presented information and responded to questions raised throughout the discussion. Sal Busalacchi and Howard Wong (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Sue Cauthen; Emil Lawrence; Zach Stewart; June Osterberg; Merle Easton; Bradley Weedmeir; Joan Wood; Sarah Kleban; Sal Busalacchi; Howard Wong; Joseph Butler; Barry Toronto; spoke in support of the appeal and in opposition to the proposed legislation matters. Michael Jaciento (Planning Department) and John Malamut (City Attorney's Office) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Male Speaker; Marisa Ehrlich; Lisa Garbus; Howard Chabner; Jewelle Gomez; Craig Hartman; Shawn Madison; Female Speaker; Kim Nolt; Sam; Mark Cornmeer; Female Speaker; Rene Meiha; Donna Bero; Julie Christensen; spoke in opposition to the appeal and in support of the proposed legislation matters. Howard Wong (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110312 [Zoning Map Amendment - 701 Lombard Street]

Sponsors: Chiu; Mayor

Ordinance amending the San Francisco Zoning Map, by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" Open Space Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street and 2000 Mason Street (Assessor's Block No. 75, Lot No. 01) from the Telegraph Hill - North Beach Residential Special Use District and to remove 701 Lombard Street from the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

See approved motion consolidating all four hearing matters (File Nos. 110614, 110673, 110315, 110666) above.

Board of Supervisors Sitting as a Committee of the Whole

110315 [Hearing - Street Vacation Order - Joe DiMaggio Playground Master Plan - Mason Street]

Sponsors: Mayor; Chiu

Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; accepting a Department of Public Works work order; approving an interdepartmental transfer of the area to be vacated from the Department of Public Works to the Recreation and Park Department at the time the vacation is final and effective; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

The President inquired as to whether any member of the public wished to address the Board. Luis Herrera, City Librarian (Public Library); Phil Ginsburg, General Manager (Recreation and Park); Marsha Maytum; Ed Reiskin, Director (Public Works); Pilar LaValley (Planning);presented information and responded to questions raised throughout the discussion. Sal Busalacchi and Howard Wong (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Sue Cauthen; Emil Lawrence; Zach Stewart; June Osterberg; Merle Easton; Bradley Weedmeir; Joan Wood; Sarah Kleban; Sal Busalacchi; Howard Wong; Joseph Butler; Barry Toronto; spoke in support of the appeal and in opposition to the proposed legislation matters. Michael Jaciento (Planning Department) and John Malamut (City Attorney's Office) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Male Speaker; Marisa Ehrlich; Lisa Garbus; Howard Chabner; Jewelle Gomez; Craig Hartman; Shawn Madison; Female Speaker; Kim Nolt; Sam; Mark Cornmeer; Female Speaker; Rene Meiha; Donna Bero; Julie Christensen; spoke in opposition to the appeal and in support of the proposed legislation matters. Howard Wong (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

From the Land Use and Economic Development Committee Without Recommendation

110316 [Street Vacation Order - Joe DiMaggio Playground Master Plan - Mason Street]
Sponsors: Mayor; Chiu

Ordinance ordering the vacation of the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; accepting a Department of Public Works work order; approving an interdepartmental transfer of the area to be vacated from the Department of Public Works to the Recreation and Park Department at the time the vacation is final and effective; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

See approved motion consolidating all four hearing matters (File Nos. 110614, 110673, 110315, 110666) above.

Board of Supervisors Sitting as a Committee of the Whole

110666 [Public Hearing - Authorizing the Use of Real Property Located at 701 Lombard Street - Joe DiMaggio Playground Master Plan Project]
Sponsor: Chiu

Public hearing to consider the proposed Resolution authorizing the use of real property located at 701 Lombard Street (Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe DiMaggio Playground/North Beach Library Master Plan Project; adopting environmental findings and findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

Privilege of the floor was granted to Kristen Jensen (City Attorney's Office) who responded to questions raised throughout the discussion regarding File Nos. 110666 and 110667.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to June 28, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Committee of the Whole Adjourn and Report

110667 [Authorizing the Use of Real Property Located at 701 Lombard Street - Joe DiMaggio Playground Master Plan Project]

Sponsor: Chiu

Resolution authorizing the use of real property located at 701 Lombard Street (Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe DiMaggio Playground/North Beach Library Master Plan Project; adopting environmental findings and findings of consistency with the General Plan and City Planning Code Section 101.1.

Privilege of the floor was granted to Kristen Jensen (City Attorney's Office) who responded to questions raised throughout the discussion regarding File Nos. 110666 and 110667.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to June 28, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Wiener, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Wiener introduced, welcomed, and presented a Certificate of Honor to Carole Cullum and Kathy Brehm in recognition of their accomplishments and continued community support.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the class of the Head Start/Raza Studies Dual Language Pilot Program at San Francisco State University in recognition of their accomplishments upon their graduation.

SPECIAL ORDER 5:00 P.M.

110618 [Public Hearing - Appeal of Final Environmental Impact Report - Treasure Island/Yerba Buena Island Redevelopment Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's April 21, 2011, Certification of a Final Environmental Impact Report, identified as Planning Case No. 2007.0903E, through its Motion No. 18325, for the proposed Treasure Island/Yerba Buena Island Project. (District 6) (Appellants: Saul Bloom on behalf of Arc Ecology; Michael Lynes on behalf of Golden Gate Audubon Society; Kate Looby on behalf of Sierra Club, San Francisco Bay Chapter; Brent Plater on behalf of Wild Equity Institute; Ken Masters; and Aaron Peskin.)
(Filed May 11, 2011; Companion to File Nos. 110619, 110620, 110621.)

The President inquired as to whether any member of the public wished to address the Board. Keith Wagner (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. John Malamut (City Attorney's Office) presented information and responded to questions raised throughout the discussion. Keith Wagner (Appellant) responded to questions raised throughout the discussion. Eric Brooks; Bernie Choden; Paul Currier; Tony Gatner; Brent Player; Barbara Bath; Sue Vaughan; Rebecca Evans; James Richmond; Haeyoung; Zach Stewart; Howard Strasser; Mary Lipnia; Judith Hoyem; Walter Paulson; Michelle Myers; Saul Bloom; Aaron Peskin; spoke in support of the appeal. Rick Cooper (Planning Department), Rich Hillis (Economic and Workforce Development), Michael Tymoff (Economic and Workforce Develolpment), Viktoriya Wise (Planning Department), Bill Wycko (Planning Department), John Malamut (City Attorney's Office) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Chris Meany and Whit Manley (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Jim Lazarus; Matt Regan; Emil Lawrence; Lynda Spence; Robert Mittelstadt; Gail Gilman; Claudine Cheng; Male Speaker; John Tammen; Michael Theriault; John Stewart; Peter Nickelstein; Tom McCarthy; Leo Cassidy; Patrick Uniacke; Wanda Heffernan; George Smith; James Gibert; Larry Visakowitz; Tim Colen; Male Speaker; Sherry Williams; Emily Rapaport; Jeff Bialik; Chantel Ginochio; Natalie Bonnewit; Mark Connors; John Bozeman; Tony Rodriquez; Neil Malloch; Linda Richardson; Nora Caldean; John Rocha; Andy Thornley; Nella Gonzales; Clair Isaac; Erick Brown; Chris Apafoman; Becky Hogue; Tim Molinare; Carisa Harris; Margie O'Driscoll; Heather Gallagher; Karen Knowles-Pearce; Dave Lopez; Joe Ekland; Manuel Flores; Adrian Simi; Paul Cohen; spoke in support of the project and in opposition to the appeal. Keith Wagner (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

Supervisor Cohen was noted absent at 8:47 p.m. and present at 8:50 p.m.

110619 [Affirming Certification of the Final Environmental Impact Report - Treasure Island/Yerba Buena Island Project]

Motion affirming the Planning Commission's Certification of the Final Environmental Impact Report for the Treasure Island/Yerba Buena Island Project.

Supervisor Kim, seconded by Supervisor Campos, moved to approve the motion. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Cohen

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion No. M11-95

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110620 [Reversing Certification of the Final Environmental Impact Report - Treasure Island/Yerba Buena Island Project]

Motion reversing the Planning Commission's Certification of the Final Environmental Impact Report for the Treasure Island/Yerba Buena Island Project.

Supervisor Kim, seconded by Supervisor Campos, moved to table the motion. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Cohen

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110621 [Preparation of Findings to Reverse Certification of the Final Environmental Impact Report - Treasure Island/Yerba Buena Island Project]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission's Certification of the Final Environmental Impact Report for the Treasure Island/Yerba Buena Island Project. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Campos, moved to table the motion. The motion carried by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Cohen

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

From the Land Use and Economic Development Committee Without Recommendation

110226 [Development Agreement - Treasure Island/Yerba Buena Island]
Sponsor: Mayor
Ordinance approving a Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, for certain real property located within Treasure Island/Yerba Buena Island; exempting certain sections of Administrative Code Chapter 6, Chapter 14B and Chapter 56; and adopting findings, including findings under the California Environmental Quality Act, findings of consistency with the City's General Plan and with the Eight Priority Policies of Planning Code Section 101.1(b), and findings relating to the formation of infrastructure financing districts.
(Fiscal Impact, Economic Impact.)

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved to amend the Development Agreement, as provided by Supervisors Chiu and Kim, and included in File No. 110226. The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

PASSED ON FIRST READING, after accepting the amendments to the Development Agreement, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Tariq Mehmood; expressed concerns regarding taxi services.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110060 [Apply for Grant - Statewide Park Program]
Sponsors: Avalos; Elsbernd and Campos
Resolution approving Office of Economic and Workforce Development to apply for grant funds from Statewide Park Program Grant Funds.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

110061 [Urging Congressional Funding for Pedestrian, Bicycle, and Transit Projects]

Sponsors: Mirkarimi; Chiu and Campos

Resolution urging the United States Congress to maintain federal funding for pedestrian, bicycle, and transit projects.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

110143 [Committee of the Whole - Elimination and/or Reduction of Health Care Services (Beilenson Hearing)]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 14, 2011, at 3:00 p.m., to consider the elimination and/or reduction of health care services (Beilenson Hearing).

Motion No. M11-97

APPROVED

110700 [Final Map 6223 - 265 Dorland Street]

Motion approving Final Map 6223, a 5 Residential Unit Condominium Project, located at 265 Dorland Street being a subdivision of Lot No. 035 in Assessors Block No. 3580 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-98

APPROVED

110701 [Final Map 6248 - 2900 Fulton Street]

Motion approving Final Map 6248, a 5 Unit Mixed-Use Condominium Project (4 Unit Residential and 1 Unit Commercial), located at 2900 Fulton Street being a subdivision of Lot No. 017 in Assessors Block No. 1648 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-99

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 110672 be severed so that it may be considered separately.

110672 [Committee of the Whole - Amending Zoning Designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01)]

Sponsor: Chiu

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on an Ordinance amending the San Francisco Zoning Map, by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" (Open Space) Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street and 2000 Mason Street (Assessor's Block No. 75, Lot No. 01) from the Telegraph Hill - North Beach Residential Special Use District and to remove 701 Lombard Street from the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110672. Joan Wood expressed various concerns relating to the matter. There were no other speakers. The President declared public comment closed.

Motion No. M11-96

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Avalos requested that File No. 110669 be severed so that it may be considered separately.

110669 [Opposing Taxi Fare Increase Without Improved Taxi Service]

Sponsors: Wiener; Farrell and Cohen

Resolution opposing proposed taxi fare increase under consideration by the Municipal Transportation Agency in the absence of improved taxi service.

FAILED by the following vote:

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener
Noes: 4 - Avalos, Campos, Mar, Mirkarimi

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110180 [Changing the Official Sidewalk Width - Clarence Place]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width on the easterly side of Clarence Place northwesterly of Townsend Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both, of facilities affected by the sidewalk width change.

05/17/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110268 [Zoning Map Amendment - 2451 Sacramento Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map, by amending Sheet 2 to change the zoning classification of 2451 Sacramento Street, Assessor's Block No. 0636, Lot No. 037, from the RM-1 (Residential, Mixed, Low-Density) District to Upper Fillmore Neighborhood Commercial District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b).

05/24/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/7/2011.

PROPOSED RESOLUTIONS

110216 [Report of Assessment Costs for Sidewalk and Curb Repairs]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

05/27/11; ASSIGNED to Board of Supervisors.

110217 [Purchase Agreement - Permanent Access Road Easement and Temporary Construction Easement - San Joaquin County - $10,000]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement and a temporary construction easement over, on, and in portions of Assessor's Parcel Nos. 253-170-05 located in San Joaquin County, required for the San Joaquin Pipeline System Project No. CUW37301 (Project) for a purchase price of $10,000; adopting findings under the California Environmental Quality Act (CEQA); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

05/25/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 10:52 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

JUN 17 2011

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 14, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll, all Supervisors Kim and Mar were noted absent. There was a quorum.

AGENDA CHANGES

There were none.

Supervisor Kim was noted present at 2:06 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Kim, moved to approve the Board Meeting Minutes of May 3, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener
Absent: 1 - Mar

Supervisor Mar was noted present at 2:08 p.m.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

110711 [Formal Policy Discussions - June 14, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Affordable Housing for all San Franciscans is an issue of paramount importance. Efforts have been made by involved community residents to address the specific overwhelming housing needs of underserved populations, such as youth aging out of the foster care system, or seniors struggling to age in place. In the past, there has been a pattern of affordable housing development being built where land is less expensive. What ideas or policy proposals do you have to build or finance housing that is affordable in areas where real estate values are higher but the need is present, such as my district, the Richmond? What specific programs do you envision your administration could explore to provide housing for underserved populations but also for all who need it, like families in the Richmond? (Supervisor Mar, District 1)

2. The Municipal Transportation Agency (MTA) has experienced significant challenges so far in 2011, from ongoing budget shortfalls, Muni service problems, and negotiating a new labor contract with Muni Operators. The MTA also faces continued obstacles to implementing the voters' vision of one organization managing Muni, bicycles, pedestrians, taxis, and private vehicles in San Francisco. Please describe your perspective on the Agency's major challenges for the rest of this year. (Supervisor Chiu, District 3)

3. San Francisco and other local governments have struggled and are continuing to struggle to find legislative approaches to help people at risk of foreclosure to stay in their homes. Meanwhile, State and Federal initiatives to protect homeowners have gained little traction. Is your office developing any proposals that might help address this issue and assist the residents of the City and County of San Francisco? (Supervisor Mirkarimi, District 5)

4. On June 7, 2011, Blue Shield of California announced that it would cap profits at 2% of revenue and allocate excess profits back to policyholders as rebates. As a large Blue Shield policyholder, the City and County of San Francisco will likely receive a substantial rebate. How large do you expect this rebate to be, and would you commit to allocating this one-time revenue to the Retiree Health Care Trust Fund? (Supervisor Elsbernd, District 7)

5. On June 8, 2011, I wrote a letter to Health Director Barbara Garcia expressing my concern that the "City Ask" to California Pacific Medical Center (CPMC) is not adequately targeted to ensure the long term financial viability of St. Luke's Hospital. Will you support my request that CPMC ensure the long term financial viability of St. Lukes by locating a specialty service, like orthopedics, primarily at the St. Luke's campus in order to attract insured patients and change the payer mix at the hospital? (Supervisor Campos, District 9)

6. Department of Public Work's commercial corridor program has suffered from a lack of resources and the quality and quantity of service on our neighborhood commercial corridors is less robust. As a result, the Mission Street commercial district in the Excelsior, like many other busy corridors in our neighborhoods, is experiencing a surge in litter and graffiti. What are your plans to address neighborhood concerns despite limited resources in our budget? (Supervisor Avalos, District 11)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

110579 [Administrative Code - Water Enterprise Environmental Enhancement Surcharge Fund]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 10, Article XIII, to create the Public Utilities Water Enterprise Environmental Enhancement Surcharge Fund.

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

110334 [Transportation Code - Limits for Parking at Inoperable/Broken Meters]

Sponsor: Avalos

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking. (Municipal Transportation Agency)

Supervisor Avalos requested to be added as sponsor.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

110463 [Memorandum of Understanding - Committee of Interns and Residents]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Committee of Interns and Residents effective July 1, 2011, through June 30, 2014.

FINALLY PASSED

Recommendations of the Public Safety Committee

110659 [Accept and Expend Grant - Port Security Grant Program - $155,370]

Sponsor: Cohen

Resolution authorizing the Police Department to retroactively accept and expend $155,370 of FY2007 Supplemental Port Security Grant Program Funds (Grant No. 2007-T7-K274) from the Federal Emergency Management Agency.

ADOPTED

110660 [Accept and Expend Grant - Port Security Grant Program - $1,863,920]
Sponsor: Cohen
Resolution authorizing the Police Department to retroactively accept and expend $1,863,920 of FY2010 Port Security Grant Program Funds (Grant No. 2010-PU-K050) from the Federal Emergency Management Agency.

ADOPTED

110661 [Accept and Expend Grant - Port Security Grant Program - $458,000]
Sponsor: Cohen
Resolution authorizing the Police Department to retroactively accept and expend $458,000 of FY2008 Port Security Grant Program Funds (Grant No. 2008-GB-T8-K063) from the Federal Emergency Management Agency.

ADOPTED

Recommendations of the Rules Committee

110435 [Business and Tax Regulations Code - Citizen's Advisory Committee - Central Market Street and Tenderloin Area]
Sponsors: Kim; Chiu
Ordinance amending the San Francisco Business and Tax Regulations Code, Article 12-A, by adding Section 906.3-1 to establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area.

FINALLY PASSED

110585 [Appointments, Children and Families First Commission - Linda Asato, Suzanne Giraudo, and Lynn Merz]
Motion appointing Linda Asato, Suzanne Giraudo, and Lynn Merz, terms ending April 29, 2015, to the Children and Families First Commission, residency requirement waived. (Clerk of the Board)

Motion No. M11-97

APPROVED

110698 [Appointment, Public Utilities Revenue Bond Oversight Committee - Larry Liederman]
Motion appointing Larry Liederman, term ending November 12, 2013, to the Public Utilities Revenue Bond Oversight Committee. (Clerk of the Board)

Motion No. M11-98

APPROVED

110699 [Appointments, Commission of Animal Control and Welfare - Philip Gerrie, Pam Hemphill, Sally Stephens, and Ryan Young]
Motion appointing Philip Gerrie, Pam Hemphill, Sally Stephens, and Ryan Young, terms ending April 30, 2013, to the Commission of Animal Control and Welfare. (Clerk of the Board)

Motion No. M11-99

APPROVED

From the Board

110312 [Zoning Map Amendment - 701 Lombard Street]

Sponsors: Chiu; Mayor

Ordinance amending the San Francisco Zoning Map, by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" Open Space Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street and 2000 Mason Street (Assessor's Block No. 75, Lot No. 01) from the Telegraph Hill - North Beach Residential Special Use District and to remove 701 Lombard Street from the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Sub-Committee

110561 [Accept and Expend - Emergency Shelter Grants Program - $1,026,169]

Sponsors: Mayor; Cohen

Resolution approving the FY2011-2012 Emergency Shelter Grants (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 Emergency Shelter Grants Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $1,253,445 and to expend Reprogrammed Funds in the amount of $124,000.

Supervisor Cohen, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution approving the FY2011-2012 Emergency Shelter Grants (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 Emergency Shelter Grants Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $902,146 and to expend Reprogrammed Funds in the amount of $124,023.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110562 [Accept and Expend - Community Development Block Grant - $20,620,744]

Sponsors: Mayor; Cohen

Resolution approving the FY2011-2012 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $18,583,517 and to expend Program Income and Reprogrammed Funds in the amount of $1,966,471.

Supervisor Cohen, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution approving the FY2011-2012 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $18,583,910 and to expend Program Income and Reprogrammed Funds in the amount of $2,036,834.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110563 [Accept and Expend Grant - HOME Program - $8,006,360]

Sponsors: Mayor; Cohen

Resolution approving the FY2011-2012 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $7,576,727, and to expend Program Income in the amount of $430,000.

Supervisor Cohen, seconded by Supervisor Chu, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Resolution approving the FY2011-2012 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2011-2012 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $7,576,360 and to expend Program Income in the amount of $430,000.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Budget and Finance Committee

110554 [Water Revenue Bond Issuance - Not to Exceed $49,100,000]

Sponsor: Chu

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission in an amount not to exceed $49,100,000 to finance improvements to the CUW260 Water Main, the Commission's Hetch Hetchy Water and Power System and the Treasure Island Project, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

110397 [General Plan Amendments - 2009 Housing Element Update]

Ordinance amending the San Francisco General Plan by adopting the 2009 Housing Element as the Housing Element of the San Francisco General Plan; making findings, including environmental findings and findings of consistency with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

110228 [General Plan Amendments - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Ordinance amending the San Francisco General Plan by amending the Commerce and Industry Element, Community Facilities Element, Housing Element, Recreation and Open Space Element, Transportation Element, Urban Design Element, and Land Use Index, maps and figures in various elements, and by adopting and adding the Treasure Island/Yerba Buena Island Area Plan, in order to facilitate the development of Treasure Island/Yerba Buena Island as endorsed by the Board of Supervisors and the Mayor in 2006 and updated in 2010, and envisioned in the Treasure Island/Yerba Buena Island Development Agreement, adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110229 [Planning Code - Zoning - Treasure Island/Yerba Buena Island - Special Use District]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Treasure Island/Yerba Buena Island districts; amending Section 105 relating to height and bulk limits for Treasure Island/Yerba Buena Island; adding Section 249.52 to establish the Treasure Island/Yerba Buena Island Special Use District; adding Section 263.26 to establish the Treasure Island/Yerba Buena Island Height and Bulk District; amending the bulk limits table associated with Section 270 to refer to the Treasure Island/Yerba Buena Island Height and Bulk District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110227 [Zoning Map Amendment - Treasure Island/Yerba Buena Island Development Project]

Sponsor: Mayor

Ordinance amending the Zoning Map of the City and County of San Francisco by adding new Sectional Map ZN14 to show the zoning designations of Treasure Island/Yerba Buena Island; adding new Sectional Map HT14 to establish the Height and Bulk District for Treasure Island/Yerba Buena Island; adding new Sectional Map SU14 to establish the Treasure Island/Yerba Buena Island Special Use District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110230 [Subdivision Code - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Ordinance amending the San Francisco Subdivision Code to add Division 4 pertaining to the subdivision process applicable to development within the Treasure Island/Yerba Buena Island Project Site described in the Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, relative to Naval Station Treasure Island, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.
(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee and the Budget and Finance Sub-Committee Without Recommendation

110226 [Development Agreement - Treasure Island/Yerba Buena Island]

Sponsor: Mayor

Ordinance approving a Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, for certain real property located within Treasure Island/Yerba Buena Island; exempting certain sections of Administrative Code Chapter 6, Chapter 14B and Chapter 56; and adopting findings, including findings under the California Environmental Quality Act, findings of consistency with the City's General Plan and with the Eight Priority Policies of Planning Code Section 101.1(b), and findings relating to the formation of infrastructure financing districts.
(Fiscal Impact, Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee Without Recommendation

110316 [Street Vacation Order - Joe DiMaggio Playground Master Plan - Mason Street]

Sponsors: Mayor; Chiu

Ordinance ordering the vacation of the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; accepting a Department of Public Works work order; approving an interdepartmental transfer of the area to be vacated from the Department of Public Works to the Recreation and Park Department at the time the vacation is final and effective; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110335 [Campaign and Governmental Conduct Code - Gift Restrictions]

Sponsor: Cohen

Ordinance amending the San Francisco Campaign and Governmental Conduct Code, Section 3.216 to: 1) prohibit loans from restricted sources and subordinates; and 2) modify the reporting requirements for elected officials receiving gifts of travel.

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Land Use and Economic Development Committee

101350 [Planning Code - Zoning - Parking in South of Market and Mission Bay Districts]
Sponsor: Kim
Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 155, 161, 249.1, and 249.23 to: 1) remove minimum parking requirements and establish maximum parking limits in M-1, C-M, and South of Market districts and the Folsom and Main Residential/Commercial and Fourth and Freelon Streets Special Use Districts to make them consistent with those of neighboring districts; 2) require that non-residential and non-hotel parking in C-3 in the South of Market Mixed Use districts adjacent to Downtown maintain a fee structure which discourages long-term commuter parking; and 3) adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110530 [Changing the Official Sidewalk Width - Harrison Street]
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1589 to change the official sidewalk width on south side of Harrison Street between Fremont and Beale Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Land Use and Economic Development Committee Without Recommendation

110658 [Planning Code - Zoning Map - Presidio-Sutter Special Use District - 800 Presidio Avenue]
Sponsors: Mirkarimi; Mar and Avalos
Ordinance amending the San Francisco Planning Code by adding Section 259.53 to establish the Presidio-Sutter Special Use District for property located at 800 Presidio Avenue (Assessor's Block No. 1073, Lot No. 13); amending Sheet HT03 of the Zoning Map to change the Height and Bulk District from 40-X to 55-X; and amending Sheet SU-03 of the Zoning Map to reflect the boundaries of the Presidio-Sutter Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to June 21, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110556 [Western SoMa Community Stabilization Policy]

Sponsor: Kim

Resolution urging the Planning Commission to incorporate into the Western SoMa Community Plan the policies and objectives of the Western SoMa Community Stabilization Policy adopted by the Western SoMa Citizens Planning Task Force.

Supervisor Kim, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisors Campos and Chiu requested to be added as co-sponsors.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110588 [Appointment, Police Commission - L. Julius Turman]

Motion confirming the Rules Committee's nomination of, and appointing, L. Julius Turman, term ending April 30, 2015, to the Police Commission. (Clerk of the Board)
(Supervisor Kim dissented in Committee.)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be AMENDED, on Page 1, Line 1, by replacing L. Julius Turman with David Waggoner; on Line 7, by replacing L. Julius Turman with David Waggoner; on Line 10, by replacing L. Julius Turman with David Waggoner. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Kim, Mar, Mirkarimi
Noes: 7 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

Motion No. M11-100

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110144 [Committee of the Whole - Elimination and/or Reduction of Health Care Services (Beilenson Hearing) FY2011-2012]

Hearing to consider the Department of Public Health's budget eliminating and/or reducing health care services to the indigent population provided by the City and County of San Francisco for FY2011-2012.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to elimination and/or reduction of health care services as referenced in File No. 110144. Barbara Garcia, Director of Public Health, provided an overview of the proposed elimination and/or reduction of health care services. Ernestine Waters-Weiss; Eleanor; Mabel Evers; Female Speaker; Jacob; Lisa Pvochello; Barry Choden; Male Speaker; Eddie; Jason Albertson; Tanisha Blackwell; Que Newbill; Michael Wilkins; Brad Kingston; Antonio Morgan; Sarah; Susan Hansen; Nance Hampton; Male Speaker; Mike Discepola; Courtney Pearson; Male Speaker; Stacey DelBucchia; Adam Schindler; Richard; Janet; Rann Parker; Female Speaker; Michael Gause; CW Johnson; William; Jackie Jenks; Tracey Bell; Female Speaker; Roxanna Salazar; Eric Sullivan; Lucia Sommers; Brenda; Gary; Anna Berg; Gregory; Adam; Vicka Isan; E. Garcia; Marzell Brown; Jeff Wilkins; June Bosis; George Morales; Larry Bradshaw; Oshid Boyd; Male Speaker; Tracey Bell; Male Speaker; Male Speaker; Jalen Davis; Michael Tong; Male Speaker; Female Speaker; Roxanne; Ed Kingsley; Male Speaker; Female Speaker; Barbara; Alex Hodson; Gwen; Female Speaker; Elvis Byrd; Male Speaker; Amanda Sage; Roberto Salazar; Gordon Wong; Karen Foster; Female Speaker; Robert; Keith Williams Jr.; Abdallah Megahed; Patricia Hogan; Walter Paulson; Female Speaker; Male Speaker; Anna Berg; Male Speaker; Jennifer Stickvaden; Leticia; Lorie Beth Fonte; Mike Tingle; Christine Suarez; Edith Meyer; Estella Garcia; Della Gonzalez; Male Speaker; Gadalia Roffman; Gail Bellman; Male Speaker; Female Speaker; Jessica Middleton; Jenny Wiley; Michael D. Goodman; Emil Lawrence; Oliver Jones; Roxanne Sanchez; Mr. Oh; Allen Gilbert; Jennifer Friedenbach; Porter Yates; Massuri; Female Speaker; Female Speaker; Martha Kauffman; Terrie Frye; Female Speaker; Debbie Lerman; Day Cancey; expressed concerns relating to the proposed elimination and/or reduction of health care services referenced in the Department of Public Health FY2011/2012 Budget. Barbara Garcia, Director of Public Health, responded to questions raised throughout the discussion and further discussed the proposed reductions. There were no other speakers. The President declared the public hearing closed, adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

110675 [Public Hearing - Appeal of Certification of a Final Environmental Impact Report - Booker T. Washington Community Center - 800 Presidio Avenue - Mixed-Use Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's April 28, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.0868E, through its Motion No. 18340, for the proposed Booker T. Washington Community Center Mixed-Use Project located at 800 Presidio Avenue. (District 2) (Appellant: Stephen Williams).

(Filed May 18, 2011; Companion to File Nos. 110676, 110677, 110678.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Hearing be CONTINUED to June 21, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to June 21, 2011.

110676 [Affirming Certification of the Final Environmental Impact Report - 800 Presidio Avenue Mixed-Use Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 800 Presidio Avenue (Booker T. Washington Community Center) Mixed-Use Project.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be CONTINUED to June 21, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110677 [Reversing Certification of the Final Environmental Impact Report - 800 Presidio Avenue Mixed-Use Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 800 Presidio Avenue (Booker T. Washington Community Center) Mixed-Use Project.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be CONTINUED to June 21, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110678 [Preparation of Findings to Reverse Certification of the Final Environmental Impact Report - 800 Presidio Avenue Mixed-Use Project]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 800 Presidio (Booker T. Washington Community Center) Mixed-Use Project FEIR.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be CONTINUED to June 21, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

Recommendation of the City Operations and Neighborhood Services Committee

110059 [Cooperative Agreement - San Francisco Bay Area Rapid Transit District]

Sponsor: Chiu

Resolution approving a Cooperative Agreement between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District (BART), through its Port Commission, authorizing BART to install, use, and maintain security barriers on and under the Ferry Plaza Platform, on the east side of the Ferry Building along the Embarcadero, for a term of 66 years, subject to BART's right to request an extension before the end of the 64th year of the term.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110662 [Multifamily Housing Revenue Note in an Amount Not to Exceed $41,000,000 and Various Agreements - Hunters View]

Sponsor: Cohen

Resolution authorizing the execution and delivery of a multifamily housing revenue note, as defined herein, in an aggregate principal amount not to exceed $41,000,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the note; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a borrower loan agreement; ratifying and approving any action heretofore taken in connection with the note and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110495 [Gift Acceptance - Treasure Island Museum Collection]

Sponsor: Mayor

Resolution accepting from the United States Navy, Naval Historic and Heritage Command, a gift consisting of a portion of the Treasure Island Museum Collection.

ADOPTED

110497 [Accept and Expend Grant - Zero Waste Database, City of San Jose - $25,000]

Sponsor: Mar

Resolution authorizing the Department of Environment to accept and expend a grant in the amount of $25,000 from the City of San Jose to assist in the creation a web-based application that enables the public to easily find accurate information about nearby recycling, reuse, and disposal options.

ADOPTED

110499 [Accept and Expend Grant - Zero Waste Database, County of Contra Costa - $25,000]

Sponsor: Mar

Resolution authorizing the Department of Environment to accept and expend a grant in the amount of $25,000 from the County of Contra Costa to assist in the creation of a web-based application that enables the public to easily find accurate information about nearby recycling, reuse, and disposal options.

ADOPTED

110531 [Accept and Expend Grant - Zero Waste Database, City of Palo Alto - $5,000]

Sponsor: Mar

Resolution authorizing the Department of Environment to accept and expend a grant in the amount of $5,000 from the City of Palo Alto to assist in the creation of a web-based application that enables the public to easily find accurate information about nearby recycling, reuse, and disposal options.

ADOPTED

110733 [Withdrawing Charter Amendment - Compensation of Board of Education]

Sponsors: Kim; Elsbernd

Motion withdrawing, pursuant to San Francisco Municipal Elections Code, Section 370(a), the Charter Amendment previously ordered submitted by the Board of Supervisors entitled "Compensation of Board of Education Members."

Supervisor Elsbernd requested to be added as a co-sponsor.

Motion No. M11-101

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Farrell, seconded by Supervisor Elsbernd, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Farrell, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110584 [Commending International Business Machines Corporation on its Centennial Year and Global Day of Service]

Sponsors: Farrell; Cohen and Kim

Resolution commending International Business Machines Corporation (IBM) on its Centennial in 2011 and its Global Day of Service.

The President inquired as to whether any member of the public wished to address the Board relating to global day service and IBM's Centennial in 2011 as referenced in File No. 110584. There were no speakers. The President declared public comment closed.

Supervisors Cohen and Kim requested to be added as a co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

110392 [Settlement of Lawsuit - Committee on JOBS Candidate Advocacy Fund, et al. - $290,000]

Ordinance authorizing settlement of the lawsuit filed by Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure Political Action Committee against the City and County of San Francisco for $290,000; the lawsuit was filed on June 18, 2007, in United States District Court for the Northern District of California, Case No. 07-3199 JSW; entitled Committee on JOBS Candidate Advocacy Fund, et al.; other material terms of the settlement are a stipulated injuction prohibiting the City from enforcing the independent expenditure contribution limit in San Francisco Campaign and Governmental Conduct Code 1.114(c). (City Attorney)

06/07/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

110428 [Purchase Agreement - Permanent Tie-Back Easement and Temporary Construction Easement - San Mateo County - $87,570]

Resolution approving and authorizing an agreement for the purchase of a permanent tie-back easement and a temporary construction easement over, on, and in portions of Assessor's Parcel No. 038-200-020 located in the Town of Hillsborough, San Mateo County, and required for the Crystal Springs Pipeline No. 2 Replacement Project, known as Project No. CUW37801, for a purchase price of $87,570; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution.

06/02/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110429 [Purchase Agreement - Two Permanent Access Road Easements and Two Temporary Construction Easements - San Joaquin County - $83,900]

Resolution approving and authorizing an agreement for the purchase of a two permanent access road easements and two temporary construction easements over, on, and in portions of Assessor's Parcel Nos. 253-270-17, 19, 21, 24, and 25 located in San Joaquin County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $83,900; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution.

06/02/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:35 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, June 21, 2011 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

JUN 24 2011

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of May 10, 2011, and Special Meeting Minutes of May 11, 2011, at the Budget & Finance Committee Meeting (File Nos. 110337 and 110462). The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

110663 [Accept and Expend Grant - 17th and Folsom Street Park Project - $2,700,000]
Sponsor: Kim

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant administered by the California State Parks and Recreation Department in the amount of $2,700,000 for the 17th and Folsom Street Park Project.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

101350 [Planning Code - Zoning - Parking in South of Market and Mission Bay Districts]

Sponsor: Kim

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 155, 161, 249.1, and 249.23 to: 1) remove minimum parking requirements and establish maximum parking limits in M-1, C-M, and South of Market districts and the Folsom and Main Residential/Commercial and Fourth and Freelon Streets Special Use Districts to make them consistent with those of neighboring districts; 2) require that non-residential and non-hotel parking in C-3 in the South of Market Mixed Use districts adjacent to Downtown maintain a fee structure which discourages long-term commuter parking; and 3) adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

110530 [Changing the Official Sidewalk Width - Harrison Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1589 to change the official sidewalk width on south side of Harrison Street between Fremont and Beale Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

110397 [General Plan Amendments - 2009 Housing Element Update]

Ordinance amending the San Francisco General Plan by adopting the 2009 Housing Element as the Housing Element of the San Francisco General Plan; making findings, including environmental findings and findings of consistency with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener
Noes: 3 - Chu, Elsbernd, Farrell

From the Land Use and Economic Development Committee Without Recommendation

110658 [Planning Code - Zoning Map - Presidio-Sutter Special Use District - 800 Presidio Avenue]

Sponsors: Mirkarimi; Mar and Avalos

Ordinance amending the San Francisco Planning Code by adding Section 259.53 to establish the Presidio-Sutter Special Use District for property located at 800 Presidio Avenue (Assessor's Block No. 1073, Lot No. 13); amending Sheet HT03 of the Zoning Map to change the Height and Bulk District from 40-X to 55-X; and amending Sheet SU-03 of the Zoning Map to reflect the boundaries of the Presidio-Sutter Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Farrell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED to reduce the height from '55' to 45'. The motion FAILED by the following vote:

Ayes: 4 - Chu, Elsbernd, Farrell, Wiener
Noes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Chu, Farrell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110384 [Interim Annual Salary Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FYs ending June 30, 2012; FY ending June 30, 2013, for the Airport, Port Commission, and the Public Utilities Commission; and continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110385 [Interim Consolidated Budget and Annual Appropriation Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures of the City and County of San Francisco for the FY ending June 30, 2012; and for the FYs ending June 30, 2012, and June 30, 2013, for the Airport Commission, Port Commission, and Public Utilities Commission.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110269 [Redevelopment Agency Interim Budget - FY2011-2012]

Sponsor: Mayor

Resolution approving the Interim Budget of the Redevelopment Agency of the City and County of San Francisco for FY2011-2012.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110271 [Treasure Island Development Authority Interim Budget - FY2011-2012]

Sponsor: Mayor

Resolution approving the Interim Budget of the Treasure Island Development Authority for FY2011-2012.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110489 [Five-Year Information and Communication Technology Plan - FYs 2011-2012 through 2015-2016]

Sponsors: Mayor; Chiu

Resolution adopting the City's Five-Year Information and Communication Technology Plan for FYs 2011-2012 through 2015-2016 pursuant to San Francisco Administrative Code Section 22A.6.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110488 [Accept and Expend Grant - Department of Public Health - FY2011-2012]

Sponsor: Mayor

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY2011-2012.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the Budget and Finance Committee Without Recommendation

110671 [Extension of Deferred Retirement Option Program]

Motion extending the Deferred Retirement Option Program. (Clerk of the Board) (Fiscal Impact.)

Privilege of the floor was provided to Captain Al Casciato who responded to questions raised throughout the discussion.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be AMENDED to extend the program to June 21, 2012. The motion FAILED by the following vote:

Ayes: 1 - Mirkarimi
Noes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

FAILED by the following vote:

Ayes: 1 - Mirkarimi
Noes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Recommendations of the Government Audit and Oversight Committee

110629 [Memorandum of Understanding, Amendment No. 1 - Multiple Unions (Crafts Coalition)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Plasterers and Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110630 [Memorandum of Understanding, Amendment No. 1 - San Francisco Deputy Probation Officers' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Chu Excused from Voting

Supervisor Campos, seconded by Supervisor Kim,
moved that Supervisor Chu be excused from voting on File No. 110631. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

110631 [Memorandum of Understanding, Amendment No. 4 - San Francisco Firefighters, Local 798, (Unit 1)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

110632 [Memorandum of Understanding, Amendment No. 4 - San Francisco Firefighters, Local 798, (Unit 2)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110633 [Memorandum of Understanding, Amendment No. 3 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110634 [Memorandum of Understanding, Amendment No. 4 - International Federation of Professional and Technical Engineers, Local 21]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, AFL-CIO, Local 21, implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110635 [Memorandum of Understanding, Amendment No. 1 - San Francisco Institutional Police Officers' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110636 [Memorandum of Understanding, Amendment No. 1 - Municipal Attorneys' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Elsbernd Excused from Voting

Supervisor Chu, seconded by Supervisor Farrell, moved that Supervisor Elsbernd be excused from voting on File No. 110637. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110637 [Memorandum of Understanding, Amendment No. 5 - Municipal Executives' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by implementing specified terms and conditions of employment for FY2011-2012.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110638 [Memorandum of Understanding, Amendment No. 3 - Municipal Executives' Association, Fire]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Fire, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110639 [Memorandum of Understanding, Amendment No. 3 - Municipal Executives' Association, Police]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Police, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110640 [Memorandum of Understanding, Amendment No. 1 - Operating Engineers, Local 3]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers, Local 3, by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110641 [Memorandum of Understanding, Amendment No. 1 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110642 [Memorandum of Understanding, Amendment No. 3 - San Francisco Police Officers' Association (Units P-1 and P-2A)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 and P-2A), by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110643 [Memorandum of Understanding, Amendment No. 3 - San Francisco Police Officers' Association (Unit P-2B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110644 [Memorandum of Understanding, Amendment 1 - Service Employees International Union, Local 1021]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110645 [Memorandum of Understanding, Amendment No. 1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, Supervising Probation Officers]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110646 [Memorandum of Understanding, Amendment No. 1 - Teamsters, Local 856 (Multi-Unit)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and Teamsters, Local 856 (Multi-Unit), by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110647 [Memorandum of Understanding, Amendment No. 1 - Transport Workers Union of America, Local 200]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110648 [Memorandum of Understanding, Amendment No. 1 - Transport Workers Union of America, Local 250-A (Non-MTA 7410)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110649 [Memorandum of Understanding, Amendment No. 1 - Transport Workers Union of America, Local 250-A (Multi-Unit)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110650 [Memorandum of Understanding, Amendment No. 5 - Union of American Physicians and Dentists (Unit 8-CC)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC), by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110651 [Memorandum of Understanding, Amendment No. 5 - Union of American Physicians and Dentists (Unit 11-AA)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA), by implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110652 [Memorandum of Understanding, Amendment No. 3 - San Francisco District Attorney Investigators' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the Memorandum of Understanding through June 30, 2012, and implementing specified terms and conditions of employment for FY2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110653 [Compensation for Unrepresented Employees]

Sponsor: Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment effective July 1, 2011.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110482 [Planning Code - Miscellaneous Technical Amendments]

Ordinance amending the San Francisco Planning Code to: 1) correct clerical errors, make language revisions and update Sections 121.2, 134, 136.1, 142, 185, 201, 204.1, 204.2, 205, 205.1, 205.3, 207.2, 209.3, 217, 243, 303, 309, 311, 312, 317, 602.25, 602.26, 607.1, and various Sections and Tables in Articles 7 and 8; and 2) adopting findings, including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Campos was noted absent at 3:15 p.m. and noted present at 3:43 p.m.

Privilege of the Floor

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Campos

Supervisor Mirkarimi introduced, welcomed, and presented Certificates of Honor to Senior Deputy Steve Geracimos and Sergeant Coleen Newcomer of the San Francisco Sheriff's Department in recognition of their cumulative 50 years of service, their accomplishments, and continued community support upon their retirement from the Department.

Supervisor Campos introduced, welcomed, and presented Certificates of Honor to Arno Hesse and Guillaume Lebleu of Bernal Bucks in recognition of the new Bernal Bucks debit card, their innovative work to get Bernal residents to shop in their neighborhood, and their support of local businesses and community organizations.

SPECIAL ORDER 4:00 P.M.

110675 [Public Hearing - Certification of a Final Environmental Impact Report Appeal - Booker T. Washington Community Center - 800 Presidio Avenue Mixed-Use Project]

Hearing of persons interested in or objecting to the Planning Commission's decision, dated April 28, 2011, the Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.0868E, by its Motion No. 18340, for the proposed Booker T. Washington Community Center Mixed-Use Project located at 800 Presidio Avenue. (District 2) (Appellant: Stephen M. Williams). (Filed May 18, 2011; Companion to File Nos. 110676, 110677, 110678.)

The President inquired as to whether any member of the public wished to address the Board. Stephen Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Peter Alexander; Paul; John Manley; Elaine Buddo; Ron Kardon; Joyce Lively; Kathy Devincenzi; Brent Lewelling; Charles Turner; Kathy Peck; David Denny; John Hoffman; Doug Malar; Marcel Conrad; Rose Hillson; Male Speaker; Andrea; Camala; Nina Edgell; Rob Costa; Calla Winkler; spoke in support of the appeal. Michael Jacinto, AnMarie Rodgers, and Glenn Cabreros (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Alice Barkley and Steve Perry, Patricia Scott, Julian Davis, and Larry Brooks (Project Sponsors) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Steve Suzuki; Female Speaker; Regina Davis; Alexander Putten; Arnold Townsend; Andy Thornton; Sam Cutteback; Jenny Pearlman; Male Speaker; Brad Paul; Jeff Kaminsky; Ava Benezra; Leah LaCroix; Jose Luis-Mejia; Josh Zukerman; Deane Pearn; Ruth Clay; Ben Robertson; Shavanti Keaton; Simone Torick; Richard Wu; Phillip Stone; Gayle Goldman; Dan Galloway; James McCree; spoke in support of the project and in opposition to the appeal. Steven Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110676 [Affirming the Certification of the Final Environmental Impact Report - 800 Presidio Avenue Mixed-Use Project]

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report for the 800 Presidio Avenue (Booker T. Washington Community Center) Mixed-Use Project.

Motion No. M11-103

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110677 [Reversing the Certification of the Final Environmental Impact Report - 800 Presidio Avenue Mixed-Use Project]

Motion reversing the Planning Commission's certification of the Final Environmental Impact Report for the 800 Presidio Avenue (Booker T. Washington Community Center) Mixed-Use Project.

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110678 [Preparation of Findings to Reverse the Certification of the Final Environmental Impact Report - 800 Presidio Avenue Mixed-Use Project]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission's certification of the Final Environmental Impact Report for the 800 Presidio Avenue (Booker T. Washington Community Center) Mixed-Use Project.

Supervisor Farrell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.

110702 [Public Hearing - Conditional Use Appeal - 800 Presidio Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Commission's April 28, 2011, Conditional Use Authorization identified as Planning Case No. 2006.0868CEKTZ, by its Motion No. 18342, under Planning Code Sections 303 and 304 to allow construction of a 55-foot tall planned unit development containing community facilities and a five-story, residential building with up to 50 affordable housing units within the RM-1 (Residential, Mixed, Low-Density) District, the Presidio-Sutter Special Use District and a 40-X/55-X Height and Bulk District, on property located at:800 Presidio Avenue, Lot No. 013 in Assessor's Block No. 1073. (District 2) (Appellant: Stephen M. Williams on behalf of the Neighbors for Fair Planning).
(Filed May 31, 2011; Companion Measure to File Nos. 110703, 110704, and 110705.)

The President inquired as to whether any member of the public wished to address the Board. Stephen Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Peter Alexander; Paul; John Manley; Elaine Buddo; Ron Kardon; Joyce Lively; Kathy Devincenzi; Brent Lewelling; Charles Turner; Kathy Peck; David Denny; John Hoffman; Doug Malar; Marcel Conrad; Rose Hillson; Male Speaker; Andrea; Camala; Nina Edgell; Rob Costa; Calla Winkler; spoke in support of the appeal. Michael Jacinto, AnMarie Rodgers, and Glenn Cabreros (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Alice Barkley and Steve Perry, Patricia Scott, Julian Davis, and Larry Brooks (Project Sponsors) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Steve Suzuki; Female Speaker; Regina Davis; Alexander Putten; Arnold Townsend; Andy Thornton; Sam Cutteback; Jenny Pearlman; Male Speaker; Brad Paul; Jeff Kaminsky; Ava Benezra; Leah LaCroix; Jose Luis-Mejia; Josh Zukerman; Deane Pearn; Ruth Clay; Ben Robertson; Shavanti Keaton; Simone Torick; Richard Wu; Phillip Stone; Gayle Goldman; Dan Galloway; James McCree; spoke in support of the project and in opposition to the appeal. Steven Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110703 [Approving the Planning Commission's Decision Related to the Conditional Use Authorization - 800 Presidio Avenue]

Motion approving the Planning Commission's decision, by its Motion No. 18342, approving the Conditional Use Authorization identified as Planning Case No. 2006.0868CEKTZ on property located at 800 Presidio Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110704 [Disapproving the Planning Commission's Decision Related to the Conditional Use Authorization - 800 Presidio Avenue]

Motion disapproving the Planning Commission's decision, by its Motion No. 18342, approving the Conditional Use Authorization identified as Planning Case No. 2006.0868CEKTZ on property located at 800 Presidio Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be AMENDED to add additional conditions relating to sound, gym construction noise insulation, and items relating to the house located at 2755 Sutter Street. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Motion No. M11-104

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110705 [Preparation of Findings Related to the Conditional Use Authorization - 800 Presidio Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Conditional Use Authorization identified as Planning Case No. 2006.0868CEKTZ on property located at 800 Presidio Avenue.

Motion No. M11-105

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMITTEE REPORTS

Recommendations of the Land Use and Economic Development Committee

110268 [Planning Code - Zoning Map Amendment - 2451 Sacramento Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map Sheet 2 to change the zoning classification of 2451 Sacramento Street (Assessor's Block No. 0636, Lot No. 037) from the RM-1 (Residential, Mixed, Low-Density) District to Upper Fillmore Neighborhood Commercial District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110490 [Memorandum of Understanding for Local Hiring - San Mateo County]

Sponsors: Mayor; Avalos, Campos and Chiu

Resolution approving a Memorandum of Understanding between the City and County of San Francisco and San Mateo County regarding the application of the San Francisco Local Hiring Policy for Construction to construction projects located within San Mateo County.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110491 [Tolling Agreement - San Mateo County]

Sponsor: Mayor

Resolution approving an agreement between the City and County of San Francisco and San Mateo County tolling the statute of limitations for an action or claim challenging the San Francisco Local Hiring Policy for Construction based on the California Environmental Quality Act.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to synthetic turf.
Emil Lawrence; expressed various concerns.
Eugene Gordon, Jr.; expressed various concerns.
Terri Frye; expressed support for ARC/AIDS Vigil legislation.
Peter Warfield; expressed concerns relating to the SF Public Library.
Brian Basinger; expressed support for ARC/AIDS Vigil legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110214 [Committee of the Whole - Hearing on the Report of Assessment Costs for Sidewalk and Curb Repairs]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 28, 2011, at 3:00 p.m., to hold a public hearing on the resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

Motion No. M11-102

APPROVED

110751 [Approval of a 90 Day Extension for Planning Commission Review]

Sponsor: Mirkarimi

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self- Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

110752 [Commemorating the ARC/AIDS Vigil]

Sponsors: Campos; Wiener, Mirkarimi, Chiu and Avalos

Resolution recognizing the historic significance of the ARC/AIDS Vigil and encouraging the City and County of San Francisco to place a plaque on or near the site of the ARC/AIDS Vigil.

Supervisor Avalos requested to be added as a co-sponsor.

ADOPTED

110754 [Accept and Expend Grant - Smoking Cessation Buprenorphine Treated Patients - $26,558]

Sponsor: Elsbernd

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $26,558 from the University of California San Francisco to fund the project entitled "Smoking Cessation Intervention in Buprenorphine Treated Patients" for the period of March 1, 2011, through May 31, 2011, and waiving indirect costs.

ADOPTED

110755 [Anza Branch Library Reopening]

Sponsor: Mar

Resolution recognizing the grand reopening of the Anza Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to the City and County of San Francisco and its residents.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Campos

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File No. 110756 be severed so that it may be considered separately.

110756 [Summer Learning Day - June 21, 2011]

Sponsors: Mirkarimi; Avalos, Mar and Campos

Resolution declaring San Francisco a summer learning city, urging relevant City Departments to coordinate and collaborate with youth and educational non-governmental organizations and designating June 21, 2011, as Summer Learning Day in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110756. Students and staff from the New Day for Learning spoke in support of the proposed Resolution. There were no other speakers. The President declared closed public comment.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Farrell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Campos

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Farrell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Campos

110765 [Barbara Schultheis Day - June 23, 2011]
Sponsor: Avalos
Resolution commending Fire Marshal Barbara Schultheis for her immense service to the City and declaring June 23, 2011, to be Barbara Schultheis Recognition Day in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 110765. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Absent: 1 - Campos

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

110583 [Administrative Code - Cash Difference and Overage Funds]
Ordinance amending the San Francisco Administrative Code by amending Section 10.82 to: 1) authorize the Controller to establish cash difference and overage funds for the use of any county officer or department head or judicial district handling judicial funds; to increase, reduce, or discontinue the funds; 2) require any county officer or department head using such funds to report to the Controller; and 3) require the Controller to annually report to the Board of Supervisors regarding the cash difference and overage funds. (Treasurer-Tax Collector)

06/10/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 7/21/2011.

PROPOSED RESOLUTIONS

110568 [Street Artist Spaces - Post Street, Northwest Corner, at Stockton Street]
Resolution approving for six (6) months designation of two (2) temporary selling spaces on Post Street, northwest corner, at Stockton Street, for street artists certified by Arts Commission. (Arts Commission)

06/06/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110581 [In-Home Supportive Services Provider Benefits and Administration Contract Amendment - $419,058,271]
Resolution amending Resolution No. 291-06 File No. 06033 that approved the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of administration, health and dental benefits to IHSS independent providers for the period of July 1, 2006, to June 30, 2016, in the amended amount of $419,058,271. (Human Services Department)

06/08/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110582 [Settlement of Claim - Weintraub Capital Management, LP - $117,470.45]
Resolution approving the settlement of the unlitigated claim filed by Weintraub Capital Management, LP against the City and County of San Francisco for refund of payroll taxes for the 2009 tax year in the amount of $117,470.45; claim was filed on January 25, 2011. (City Attorney)

06/10/11; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:52 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, June 28, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUL - 1 2011

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Chu, Mirkarimi, Kim	Wednesday 10:00 AM
City and School District Select Committee Supervisors Cohen, Avalos, Chu, Commisioners Fewer, Maufas, Norton	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Avalos, Mar, Elsbernd	2nd and 4th Monday 10:00 AM
Government Audit and Oversight Committee Supervisors Campos, Farrell, Chiu	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Cohen, Campos	1st and 3rd Thursday 10:30 AM
Rules Committee Supervisors Kim, Elsbernd, Farrell	1st and 3rd Thursday 1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

110629 [Memorandum of Understanding, Amendment No. 1 - Multiple Unions (Crafts Coalition)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Plasterers and Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110630 [Memorandum of Understanding, Amendment No. 1 - San Francisco Deputy Probation Officers' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110632 [Memorandum of Understanding, Amendment No. 4 - San Francisco Firefighters, Local 798, (Unit 2)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

FINALLY PASSED

110633 [Memorandum of Understanding, Amendment No. 3 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

FINALLY PASSED

110634 [Memorandum of Understanding, Amendment No. 4 - International Federation of Professional and Technical Engineers, Local 21]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, AFL-CIO, Local 21, implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110635 [Memorandum of Understanding, Amendment No. 1 - San Francisco Institutional Police Officers' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110636 [Memorandum of Understanding, Amendment No. 1 - Municipal Attorneys' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110638 [Memorandum of Understanding, Amendment No. 3 - Municipal Executives' Association, Fire]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Fire, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

FINALLY PASSED

110639 [Memorandum of Understanding, Amendment No. 3 - Municipal Executives' Association, Police]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association, Police, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

FINALLY PASSED

110640 [Memorandum of Understanding, Amendment No. 1 - Operating Engineers, Local 3]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers, Local 3, by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110641 [Memorandum of Understanding, Amendment No. 1 - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110642 [Memorandum of Understanding, Amendment No. 3 - San Francisco Police Officers' Association (Units P-1 and P-2A)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 and P-2A), by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

FINALLY PASSED

110643 [Memorandum of Understanding, Amendment No. 3 - San Francisco Police Officers' Association (Unit P-2B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

FINALLY PASSED

110644 [Memorandum of Understanding, Amendment 1 - Service Employees International Union, Local 1021]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110645 [Memorandum of Understanding, Amendment No. 1 - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, Supervising Probation Officers]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110646 [Memorandum of Understanding, Amendment No. 1 - Teamsters, Local 856 (Multi-Unit)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and Teamsters, Local 856 (Multi-Unit), by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110647 [Memorandum of Understanding, Amendment No. 1 - Transport Workers Union of America, Local 200]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110648 [Memorandum of Understanding, Amendment No. 1 - Transport Workers Union of America, Local 250-A (Non-MTA 7410)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110649 [Memorandum of Understanding, Amendment No. 1 - Transport Workers Union of America, Local 250-A (Multi-Unit)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2010-2012 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110650 [Memorandum of Understanding, Amendment No. 5 - Union of American Physicians and Dentists (Unit 8-CC)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC), by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110651 [Memorandum of Understanding, Amendment No. 5 - Union of American Physicians and Dentists (Unit 11-AA)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA), by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110652 [Memorandum of Understanding, Amendment No. 3 - San Francisco District Attorney Investigators' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by extending the term of the Memorandum of Understanding through June 30, 2012, and implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED

110653 [Compensation for Unrepresented Employees]

Sponsor: Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment effective July 1, 2011.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

110482 [Planning Code - Miscellaneous Technical Amendments]

Ordinance amending the San Francisco Planning Code to: 1) correct clerical errors, make language revisions and update Sections 121.2, 134, 136.1, 142, 185, 201, 204.1, 204.2, 205, 205.1, 205.3, 207.2, 209.3, 217, 243, 303, 309, 311, 312, 317, 602.25, 602.26, 607.1, and various Sections and Tables in Articles 7 and 8; and 2) adopting findings, including findings under the California Environmental Quality Act, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

FINALLY PASSED

110268 [Planning Code - Zoning Map Amendment - 2451 Sacramento Street]

Ordinance amending the San Francisco Planning Code by amending the Zoning Map Sheet 2 to change the zoning classification of 2451 Sacramento Street (Assessor's Block No. 0636, Lot No. 037) from the RM-1 (Residential, Mixed, Low-Density) District to Upper Fillmore Neighborhood Commercial District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

FINALLY PASSED

Recommendations of the Rules Committee

110392 [Settlement of Lawsuit - Committee on JOBS Candidate Advocacy Fund, et al. - $290,000]

Ordinance authorizing settlement of the lawsuit filed by Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure Political Action Committee against the City and County of San Francisco for $290,000; the lawsuit was filed on June 18, 2007, in United States District Court for the Northern District of California, Case No. 07-3199 JSW; entitled Committee on JOBS Candidate Advocacy Fund, et al. v. City and County of San Francisco; other material terms of the settlement are a stipulated injuction prohibiting the City from enforcing the independent expenditure contribution limit in San Francisco Campaign and Governmental Conduct Code 1.114(c). (City Attorney)

PASSED, ON FIRST READING

110537 [Settlement of Lawsuit - Stephanie Davis - $45,000]

Ordinance authorizing settlement of the lawsuit filed by Stephanie Ann Davis against the City and County of San Francisco for $45,000; the lawsuit was filed on January 5, 2010, in San Francisco Superior Court, Case No. CGC-10-495809; entitled Stephanie Ann Davis, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

PASSED, ON FIRST READING

110539 [Settlement of Claim - Tadhge Conway - $250,000]

Resolution approving the settlement of the unlitigated claim filed by, Tadhge Conway against the City and County of San Francisco for $250,000; the claim was filed on July 22, 2010, Claim No. 11-00169. (City Attorney's Office)

ADOPTED

110717 [Appointment, Developmental Disabilities Area Board V - Donna Adkins]

Motion appointing Donna Adkins, term ending December 31, 2013, to the Developmental Disabilities Area Board V. (Clerk of the Board)

Motion No. M11-106

APPROVED

110727 [Appointment, Eastern Neighborhood Citizens Advisory Committee - Kristian Ongoco]

Motion appointing Kristian Ongoco, term ending October 19, 2013, to the Eastern Neighborhood Citizens Advisory Committee. (Clerk of the Board)

Motion No. M11-107

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

110345 [Affirming the Exemption Determination - AT&T Network "Lightspeed" Upgrade]
Motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110346 [Reversing the Exemption Determination - AT&T Network "Lightspeed" Upgrade]
Motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110347 [Preparation of Findings to Reverse the Exemption Determination - AT&T Network "Lightspeed" Upgrade]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 19, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Budget and Finance Committee

110384 [Interim Annual Salary Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FYs ending June 30, 2012; FY ending June 30, 2013, for the Airport, Port Commission, and the Public Utilities Commission; and continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.
(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110385 [Interim Consolidated Budget and Annual Appropriation Ordinance - FYs 2011-2012 and 2012-2013]

Sponsor: Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures of the City and County of San Francisco for the FY ending June 30, 2012; and for the FYs ending June 30, 2012, and June 30, 2013, for the Airport Commission, Port Commission, and Public Utilities Commission.
(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that Supervisor Chu be excused from voting on File No. 110631. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

110631 [Memorandum of Understanding, Amendment No. 4 - San Francisco Firefighters, Local 798, (Unit 1)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2007-2013 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by implementing specified terms and conditions of employment for FYs 2011-2012 and 2012-2013.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Chu

Supervisor Elsbernd Excused from Voting

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that Supervisor Elsbernd be excused from voting on File No. 110637. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

110637 [Memorandum of Understanding, Amendment No. 5 - Municipal Executives' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2006-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by implementing specified terms and conditions of employment for FY2011-2012.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener
Excused: 1 - Elsbernd

From the Land Use and Economic Development Committee Without Recommendation

110658 [Planning Code - Zoning Map - Presidio-Sutter Special Use District - 800 Presidio Avenue]

Sponsors: Mirkarimi; Mar and Avalos

Ordinance amending the San Francisco Planning Code by adding Section 259.53 to establish the Presidio-Sutter Special Use District for property located at 800 Presidio Avenue (Assessor's Block No. 1073, Lot No. 13); amending Sheet HT03 of the Zoning Map to change the Height and Bulk District from 40-X to 55-X; and amending Sheet SU-03 of the Zoning Map to reflect the boundaries of the Presidio-Sutter Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Elsbernd, Kim, Mar, Mirkarimi, Wiener
Noes: 2 - Chu, Farrell

NEW BUSINESS

Recommendations of the Land Use and Economic Development Committee

110624 [General Plan Amendments - Executive Park Subarea Plan]

Sponsor: Cohen

Ordinance amending the San Francisco General Plan by amending the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, the Land Use Index, and maps and figures in various elements and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

Supervisor Cohen requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110625 [Planning Code - Zoning - Executive Park Special Use District, Special Height and Bulk Provisions, and Permit Review Procedures]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by adding Section 249.54 to establish the Executive Park Special Use District; adding Section 263.27 to establish Special Height Provisions for the Executive Park Special Use District and the 65/240 EP Height and Bulk District; amending Table 270 to provide that the Table is not applicable to the Executive Park Special Use District; and adding Section 309.2 to establish Permit Review Procedures in the Executive Park Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

Supervisor Cohen requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110626 [Zoning Map Amendments - Executive Park Subarea Plan Area]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU10 of the Zoning Map of the City and County of San Francisco to establish the Executive Park Special Use District; amending Sectional Map HT10 to establish the 65/240-EP Height and Bulk District; amending Sectional Map ZN09 to change certain Executive Park parcels from C-2(Community Business) and M-1(Light Industrial) to RC-3(Residential-Commercial Combined, Medium Density); adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

Supervisor Cohen requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110666 [Public Hearing - Authorizing the Use of Real Property Located at 701 Lombard Street - Joe DiMaggio Playground Master Plan Project]

Sponsor: Chiu

Public hearing to consider the proposed Resolution authorizing the use of real property located at 701 Lombard Street (Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe DiMaggio Playground/North Beach Library Master Plan Project; adopting environmental findings and findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 110667. Sarah Ballard (Recreation and Park Department) and Mindy Linetzky (Department of Public Works) provided an overview of the use of real property. Brian Murphy O'Flynn (Prior Owner) provided some background on the prior hearing and spoke in opposition to the use of real property. Julie Christianson; Female Speaker; Howard Wong; Joan Wood; June Osterberg; Linda Chapman; spoke in opposition to the use of real property. Tina Moylan; Mark Cornmeer; Lee Goodin; spoke in support of the use of real property. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110667 [Authorizing the Use of Real Property Located at 701 Lombard Street - Joe DiMaggio Playground Master Plan Project]

Sponsor: Chiu

Resolution authorizing the use of real property located at 701 Lombard Street (Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe DiMaggio Playground/North Beach Library Master Plan Project; adopting environmental findings and findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110215 [Public Hearing - Report of Assessment Costs for Sidewalk and Curb Repairs]
Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The President inquired as to whether any member of the public wished to address the Board. Robert Quan (Department of Public Works) provided an overview of the assessments. Susan Conception; Eugene Chan; Elka Borleal; Female Speaker; spoke objecting to the proposed assessments. Robert Quan (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110216 [Report of Assessment Costs for Sidewalk and Curb Repairs]
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

Robert Quan (Department of Public Works) indicated that the following addresses be removed from the accompanying report due to recent receipt of payment: 972 Capp St.; 152 Bertita St.; 1927 Alemany Blvd.; 4637 Mission St.; 1596 Mission St.; 176 Burnside Ave.; 72 Martha Ave.; 2343 21st Ave.; 2391 19th Ave.; 2374 20th Ave.; 2447 19th Ave.; 2487 21st Ave.; 2476 21st Ave.; 345 West Portal Ave.; 360 West Portal Ave.; 50 West Portal Ave.; 1650 Portola Dr.; 339 17th Ave.; 347 17th Ave.; 332 19th Ave.; 5718 Geary Blvd.; 5746 Geary Blvd.; 2423 Clement St.; 463 19th Ave.; 422 18th Ave.; 481 17th Ave.; 376 21st Ave.; 1556 Jackson St.; 1655 Washington St.; 1616 Pacific Ave.; 1650 Pacific Ave.; 2050 Van Ness Ave. The amendments to the accompanying report, as provided by the Department of Public Works, included in File No. 110216, were received without objection.

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Cohen, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisors Campos and Cohen introduced, welcomed, and presented a Certificate of Honor to Pedro Arrigoni in recognition of his bravery in coming to the aid of a police officer that was being assaulted, teaching the art of self defense to community members, and for his continued community support.

Supervisors Chiu and Cohen introduced, welcomed, and presented a Certificate of Honor to Commander Ulyssies G. Moore of the Buffalo Soldiers 10th Calvary in recognition of his accomplishments and continued community support.

COMMITTEE REPORTS

Recommendations of the Rules Committee

110747 [Appointments, Redistricting Task Force - Mike Alonso, Jenny Lam, and Eric McDonnell]

Motion appointing Mike Alonso, Jenny Lam, and Eric McDonnell, terms to be determined, to the Redistricting Task Force. (Clerk of the Board)
Mike Alonso, seat 1, new appointment, term expired, shall be broadly representative of the communities of interest, neighborhoods, and diversity in ethnicity, race, age, gender, and sexual orientation of the City and County of San Francisco, for a term to be determined.
Jenny Lam, seat 2, new appointment, term expired, shall be broadly representative of the communities of interest, neighborhoods, and diversity in ethnicity, race, age, gender, and sexual orientation of the City and County of San Francisco, for a term to be determined.
Eric McDonnell, seat 3, new appointment, term expired, shall be broadly representative of the communities of interest, neighborhoods, and diversity in ethnicity, race, age, gender, and sexual orientation of the City and County of San Francisco, for a term to be determined.

Motion No. M11-108

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110748 [Appointments, Bay Area Regional Interoperable Communications System Joint Powers Authority - Chief Gregory Suhr and Commander Lyn Tomioka]

Motion appointing Chief Gregory Suhr and Commander Lyn Tomioka, for indefinite terms, to the Bay Area Regional Interoperable Communications System Authority, residency requirement waived. (Clerk of the Board)

Chief Gregory Suhr, seat 1, must be an employee of the City and County of San Francisco and should have significant public safety or related experience, for an indefinite term.

Commander Lyn Tomioka (residency requirement waived), seat 2 (alternate), must be an employee of the City and County of San Francisco and should have significant public safety or related experience, for an indefinite term.

Motion No. M11-109

APPROVED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the City Operations and Neighborhood Services Committee

110449 [Accept and Expend Grant - Kindergarten to College Program Participant Incentive Funds - $240,000]

Sponsors: Campos; Mar

Resolution authorizing the Office of Treasurer-Tax Collector to accept and expend a grant in the amount of $240,000 from the Earned Assets Resource Network for Kindergarten to College Program Participant Incentive Funds.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110456 [Accept and Expend Grant - Cruise Terminal Security - $7,783,556]

Sponsors: Cohen; Chiu

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $7,783,556 from the Department of Homeland Security, 2009 Port Security Grant Program fund, for the Pier 27 Cruise Ship Terminal Security System at the Port of San Francisco.

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Resolution be AMENDED on Page 1, Line 24, by replacing 'development of a Port-wide risk management plan' with 'planning and installation of security systems for the Pier 27 Cruise Ship Terminal'. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110457 [Accept and Expend Grant - Port Security - $1,612,357]

Sponsor: Cohen

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $1,612,357 from the Department of Homeland Security, 2007 Supplemental Infrastructure Protection Port Security Grant Program for homeland security improvements on the Port's waterfront.

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110058 [Charter Amendment - City Retirement Benefits and Health Care Benefits]

Sponsors: Mayor; Elsbernd, Avalos, Chiu, Chu, Cohen, Farrell, Wiener and Campos

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS and the Retiree Health Care Trust Fund (RHCTF); 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the RHCTF beginning in FY2016-2017; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits, and provisions governing the RHCTF and the Health Service System.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED to July 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Maggie Scott; expressed concerns relating to human services and violence in the community.
Female Speaker; expressed various concerns relating to children's education.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

There were no items.

IMPERATIVE AGENDA

There were no items.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:08 p.m.

547598

Utica/Omaha, Ne
Houchen
Bindery Ltd